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Inaugural Harrison Professors Set National Standard

John C. Jeffries, Jr. ’73

This issue of UVA Lawyer focuses on the bequest of David A. Harrison III ’41 and the creation of five new Harrison Professorships. As you know, David left us $34.8 million. He directed that the money be used to fund professorships and “otherwise to provide faculty support,” but he did not specify just how that should be done.

One strategy would be to spread the Harrison bequest among existing chairs, many of which are severely underfunded. To a limited extent, we have followed that approach. Specifically, we divided $4.8 million among the Law School’s three oldest (and poorest) chairs, the James Madison, James Monroe, and John B. Minor Professorships. The infusion of cash from the Harrison bequest will ensure that these historic chairs have a bright future, as well as a glorious past.

Our overriding aim, however, was to deploy the Harrison bequest in a way that would have maximum impact on our reputation and standing. Specifically, we wanted to signal that Virginia is prepared to compete with the nation’s best law schools for the nation’s best law teachers. Accordingly, we recommended — and the Board of Visitors created — five new positions, the David and Mary Harrison Distinguished Professorships of Law, supported by an aggregate endowment of $30 million.

This level of funding is distinctive, not only at Virginia but across the nation. It broadcasts to the world our commitment not only to remain in the very first rank of American legal education but to challenge the nation’s leading private universities. In time, we hope that the phrase “Harrison Professor” will be recognized as the brand name of the nation’s foremost academic appointment in law.

Selection of individuals to become Harrison Professors is a matter of some difficulty. Consistent with the philosophy behind their creation, Harrison chairs will be reserved for senior teachers and scholars of national distinction. Fortunately, we have many more faculty members of that description than we could possibly recognize at this time. Additionally, we thought it wise to leave some positions vacant in the hope that we can use them to attract nationally renowned additions to our faculty.

Accordingly, we recommended that the Board of Visitors appoint Bob Scott, Glen Robinson, and Ted White as the inaugural Harrison Professors. All three stand at the pinnacle of their respective fields. All three have long records of accomplishment and distinction, including many years of service at Virginia. Their appointments will get the Harrison Professorships off to a good start.

In the pages that follow, you will see profiles of the three new Harrison Professors. Additionally, there are brief remembrances of David and Mary Harrison, the benefactors who gave us this extraordinary opportunity.
May 5, 2003
Dear Editor and Dean Jeffries:

In regard to the announcement by Dean Jeffries of the new Law & Business Program for our Law School — I would inject a note of caution.

Having had over 50 years of practice and having come from three generations of lawyers, I have seen law over time become much more like business and much less like a profession. The reasons for this are many and varied: modern practices; jealousy by lawyers of businessmen ranks high; impotence by lawyers in dealing with businessmen; relative lack of power and money by lawyers; and, also probably, a real need for lawyers to understand business in order to satisfy client’s needs.

However, the question, whether law or business, should boil down to whether or not we lawyers will insist upon our profession being just that: a “profession,” demanding the highest moral and ethical values, far in excess of those commonly used in the “marketplace.” I believe a review of almost daily headlines of business crimes and errors of judgment as well as many studies have shown us that our “profession” could be in trouble in trying to emulate businessmen, whose sole goal is the making of money, not the practice of a noble professional way of life and the satisfaction of a client’s legal needs!

Creating new business courses and getting closer to the business philosophy is not, in my opinion, the way to get back our profession which we may have already lost!

Very truly yours,
Wright Hugus, Jr. ’59

Dear Mr. Hugus,

Thank you for your letter about Law & Business. I share your conviction that law is a profession, “demanding the highest moral and ethical values,” and that our behavior as lawyers should be governed by standards higher than those that rule the marketplace. We try to teach that to every Virginia graduate.

I do not believe, however, that knowing more about business will make lawyers less ethical. On the contrary, a better understanding of business transactions should make business lawyers more alert to ethical pitfalls that they otherwise might not see. Our intention is to train lawyers who are both knowledgeable and ethical, and whose conduct will bring credit to our profession and our school.

With best regards, I am,
Sincerely yours,
John C. Jeffries, Jr. ’73
Kennedy Calls on Congress to Stop Playing Politics With Judicial Confirmations

BOTH REPUBLICANS AND Democrats are guilty of narrow-mindedly obstructing the appointment of new federal judges, Supreme Court Justice Anthony Kennedy said April 10 at the Law School. Justice Kennedy was here to receive the University’s highest honor, the Thomas Jefferson Medal in Law. “I think it’s time for the parties to come together,” he said, and agree on a confirmation procedure that stops the short-staffing of the nation’s federal circuit courts, which Kennedy characterized as overworked and under-appreciated.

“They had better start thinking about the dangers to judicial independence from insisting on certain political views,” warned Kennedy. “A good judge is someone who’s willing to change his mind,” he said, particularly when an abstract issue gets presented through a real victim and a specific context.

Described by Dean John C. Jeffries, Jr. as a “pragmatic patriot” in his introduction, Kennedy charmed the audience with self-effacing humor. He recounted how, on first seeing his chambers he remarked to his wife that his hero Justice Benjamin Cardozo had once sat in the same chair. She retorted, “50 years from now it will still be called Cardozo’s chair.”

“We do not discuss cases before hearing oral argument,” he said, “because we don’t want cliques to form beforehand. This is the first time we know what each other is thinking.

Basically, a good argument is one in which an attorney can participate in a discussion the Court is having. We’re what’s known as a ‘hot bench’ in the trade,” he said, referring to the justices’ inclination to break-in on lawyers with questions. “It’s a half hour per side per case, plus we interrupt. It’s all too short.” Yet Kennedy obviously prefers that style to the custom in Great Britain, whose more loquacious proceedings he mimicked good-naturedly.

“The cases we take are ones in which we think the guidance of the Court might be helpful because different [federal circuit] courts have disagreed about it,” he said. “We’re much better informed if we wait until there is a conflict over an issue. We know then what the issue is. Oral argument is important in our workload because that is when we make up our mind. These cases tend to be very close. That’s why we take them.”

Within 24 to 48 hours after hearing the oral arguments, the justices meet privately to deliberate over the case and vote, he said. “You have to be very forward-looking. You’re going to be bound by your decision. It’s very important to have the right rationale for a decision in order to get the largest majority behind it.” The most important word at the Supreme Court is not freedom or liberty, but “five,” he said, because it takes five votes to have a majority.

“When cases are decided there is a moment of awe when we see the system working,” Kennedy said. “When an opinion is released we realize we are draining down a capital of trust. That trust is renewed by following the traditions of the Court and by showing that the Constitution has real meaning in the modern context. The law lives in the consciousness of the people.”
Asked if it is possible for the circuit courts to all agree and nonetheless be wrong, Kennedy answered, “The presumption is that if they all agree they are right, but it is frequently the case that one circuit is out of agreement and we rule in its favor.”

On the subject of cameras in court he declared himself “a tower of Jell-O,” holding on the one hand that the public would probably be impressed to see how “technical” the work of the court is and on the other that some justices strongly oppose the idea for fear lawyers making arguments will start playing to the press. In the end he was negative: “By excluding cameras we teach that we should be judged by what we write in making decisions.” Kennedy stressed the distinctiveness of “the language of the law” and said learning that language was the purpose of a legal education. America’s legal culture is a great national treasure, he said, and the envy of the rest of the world.

The Thomas Jefferson Medal in Law, and the Thomas Jefferson Medal in Architecture, are the highest outside awards offered by the University, which grants no honorary degrees. The annual awards — Law, in its 27th year, and architecture in its 38th year — are given as part of the University’s Founder’s Day activities, centered around Jefferson’s birthday. Law and architecture were two fields that deeply interested Jefferson.

Supreme Court Justices

JUSTICES RISK COMPROMISING THE dignity of the Supreme Court when they undertake other duties — such as Earl Warren’s report on the assassination of John F. Kennedy — that distract them from their paramount judicial role, Chief Justice William Rehnquist said April 11 in a lecture at the Law School sponsored by the Thomas Jefferson Center for the Protection of Free Expression.

“Justices should be extremely wary of taking on such duties,” Rehnquist said, fearing that their involvement in the business of the executive branch of government might potentially compromise the independence and dignity of the judiciary in the public’s eye.

The Chief Justice described a half-dozen cases in the history of the high court when members have agreed to perform tasks pressed on them by presidents, contending that the only permissible instance was the disputed presidential election of 1876, in which five justices were called upon to help resolve whether Republican Rutherford B. Hayes of Ohio or Democrat Samuel Tilden of New York was the winner. Rehnquist is currently writing a book on those events. His talk was the fifth annual Henry J. Abraham Distinguished Lectureship, which honors its namesake, a University professor emeritus famous as a scholar of constitutional history. Mr. Abraham was on hand for the lecture.

Among the instances Rehnquist reviewed were John Jay’s and Oliver Ellsworth’s mission to Paris in 1794 to resolve the undeclared war with France; Melville W. Fuller’s declining a request to head a peace commission to end the Spanish-American War, Justice Owen J. Robert’s investigation into American preparedness after the Pearl Harbor attack in 1941, Harlan Stone’s
Should Shun Other Duties, Rehnquist Says

demurring soon thereafter from a chance to report on the supply of rubber for the war effort, Justice Robert H. Jackson’s role in the Nuremberg trials of Nazi war criminals, and Chief Justice Earl Warren’s report concluding that Lee Harvey Oswald acted alone in assassinating President Kennedy.

Jay’s emissary came at such an early date in the history of the court — the court heard only six cases in the year he was gone — that his absence was not injurious and history has judged that he struck the best treaty likely possible from the American interest. Jay was also elected governor of New York while he was in Europe.

Fuller was right to decline the role on the peace commission, Rehnquist said. He allowed that Robert’s report finding that Navy and Army leaders had failed to take warnings of a Japanese attack seriously or coordinate possible responses was an important document, but it wasn’t necessary that Roberts do it. Rehnquist was harsher on Jackson’s involvement in the war crimes trials, agreeing with Justice Harlan Stone’s opposing argument at the time that a justice should not do executive or legislative work where his actions are not supported by reference to precedent. Jackson, Rehnquist acknowledged, called his service on the tribunal the crowning achievement of his life. Earl Warren’s efforts were “not in the interest of the Supreme Court,” Rehnquist said, because Warren was distracted from the heavy docket of the court and he ended up endorsing the improbable path of “the magic bullet” that struck both Kennedy and Texas governor John Connally.

The only instance to pass muster with the Chief Justice was the election of 1876, in which he concluded that the 15-man commission headed by Justice Nathan Clifford, which included four other sitting justices, “may have saved the nation from armed conflict,” by ruling (with the Republican majority) that Hayes had won. Tilden had 184 of the 185 electoral college votes needed to win, but the lack of one vote gave Hayes’ supporters another chance to influence the electors being selected in Florida, Louisiana, and South Carolina. These states ultimately backed Hayes on the condition that he remove the federal troops then occupying them. Rehnquist said the predicament for high court justices in such political questions — as in the 2000 Bush v. Gore ruling — is that they are called party hacks when they vote in line with their pre-existing affiliation, or if they defy it, they are labeled as traitors by friends or nobly independent by opponents. The stakes must be extraordinarily high, Rehnquist believes, before justices agree to make such decisions.

A.E. Dick Howard ’61 with the Chief Justice.
Although he and other members of the Human Rights Study Project were visiting a country under rule of a dictator, David Vassar didn’t really feel in danger until their Cuban taxi driver balked at taking them home after learning they were researching free speech issues. With a little extra money, they got home, dropped off “inconspicuously” to protect their driver. After that, he didn’t feel safe anymore, Vassar told the audience at HRSP’s presentation on free speech and Cuba April 8 at the Law School.

Several Law and University graduate students met with Cuban dissidents and free speech advocates during their spring break, just weeks prior to “what is being called the biggest crackdown on dissidents in over a decade,” according to rising third-year Law student Michael Royal. While there, HRSP members interviewed and met independent librarians, journalists, health care workers, and others, many of whom were dissidents advocating for democracy and freedom of expression.

The timing of the trip was noteworthy. The students may have been among the last to have had the chance to interview some of Cuba’s most well-known activists before the historic events of mid-March. Two weeks after they left the island, President Fidel Castro began a massive, nation-wide crackdown on the dissident movement in Cuba, the largest crackdown in over a decade, according to the U.S. State Department. Seventy-five dissident leaders were sent to jail, some for up to 27 years. The students in HRSP had the chance to hear the thoughts and stories of six of them.

The group worked with Ricardo Zuniga, a State Department Human Rights Officer at the U.S. Interests Section in Havana who helped set up a meeting with several dissidents and provided contact information for others. “This group of UVA law [and graduate] students undertook among the most comprehensive, objective surveys of human right conditions in Cuba of any visitors I’ve known in my three years dealing with Cuba,” Zuniga said in written
Student Testifies Before Congress on Human Rights Abuses in Cuba

HUMAN RIGHTS STUDY PROJECT (HRSP) DIRECTOR
Michael Royal testified before Congress April 16 in a hearing held by the House Committee on International Relations concerning the Cuban government’s recent crackdown on dissidents.

Royal and other members of HRSP had traveled to Cuba over spring break to study free speech issues and interview dissidents. They presented their findings at the Law School earlier this month and soon after a non-governmental organization director the group worked with recommended to the Committee that Royal testify about the group’s experiences and research.

“I wanted to try to provide a sense of what some of these people’s lives are like — what they’re going through — to give a sense of the struggle that’s going on in Cuba to gain freedom of expression,” Royal said. “This is certainly a time for outrage against Castro and his government.” He focused his remarks to the Committee on his specific area of study, the independent library movement in Cuba, which faced considerable hostility from the Cuban government during the recent crackdown.

In the same hearing, Committee members heard from several U.S. Department of State Assistant Secretaries, Cuban dissident leaders and NGO representatives. Royal added that many of the Committee members may have already decided that keeping a tight U.S. embargo and restrictions on Cuba is the solution, but “I don’t necessarily follow that line of thinking.” At the conclusion of his testimony he struck a cautionary note about relying on the traditional approach to dealing with Castro.

Royal called his day in Congress a “terrific experience.”

“I’m very happy that our organization had a platform to raise awareness about the human rights violations going on in the world,” he said. “I went to Washington, but it was an enormous team effort this semester that made an opportunity like this even conceivable.”

Royal’s testimony is posted on the HRSP web site, and can be watched on C-SPAN’s web site. Go to http://www.c-span.org/VideoArchives.asp, scroll to the bottom and click on Next Page until you get to “House Hearing on Human Rights Practices, 4/16/2003.” Royal’s testimony is two hours into the recording.
EarthRights International Sues Corporations for Human Rights Abuses

A NON-PROFIT organization co-founded by Law School graduates, EarthRights International (ERI) is leading efforts to hold U.S. corporations accountable for human rights abuses committed abroad, with litigation based on a centuries-old law, the Alien Tort Claims Act (ATCA), according to ERI litigation director Rick Herz ’93, who spoke on Earth Day, April 22, at the Law School. Doe v. Unocal, in which ERI serves as co-counsel for a group of Burmese villagers, is setting precedents for the ATCA claims of foreigners affected by the aggressive development policies of U.S. oil and mining companies.

“The law basically is following this first case,” Herz said. “The handwriting for corporations is somewhat on the wall.”

Established by the First U.S. Congress in 1789, ATCA grants jurisdiction to U.S. federal courts over “any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States.” According to ERI literature, international law violations that are covered by ATCA include torture, extrajudicial killing, forced labor, rape, and genocide. The law was rarely used until 1980, when a Paraguayan woman sued and won a case against a former Paraguayan police inspector general (residing in the United States at the time of the suit) for torturing her brother to death in Paraguay. Since then, dictators such as Ferdinand Marcos and Bosnian-Serb leader Radovan Karadzic have been successfully sued under ATCA. Herz said a good body of law was built under claims filed against foreign government officials.

Beginning in the mid-1990s lawyers began filing ATCA claims against U.S.-based transnational corporations like Unocal, a California energy company that collaborated with the Burmese military and French company Total to build an oil pipeline through Burma. ERI and its co-counselors filed a claim in 1996 that Unocal and its partners hired the notoriously brutal Burmese military despite knowing the military would commit massive abuses on the project’s behalf, abuses that were later acknowledged by a federal appeals court.

Before proceeding with the pipeline, Unocal hired a consultant that accurately predicted the results of involving the Burmese military. Unocal proceeded anyway, Herz said, because of the high profits guaranteed by the pipeline.

“We had all kinds of evidence that Unocal knew what was going to happen.” ERI also gathered information from Burmese victims who fled to the border with Thailand.

In federal district court Unocal argued that international law only applies to a state or state actors, but the judge who initially heard the case held that if a company works with the government, they can be considered a state actor, and that an allegation of forced labor doesn’t require state action anyway.

By coincidence the judge was elevated to the Ninth Circuit Court of Appeals, and a new judge “with a very different view of the law” was assigned to the case. Basing his opinion on what Herz called a “misreading” of the Nuremberg Trials, the judge dismissed the case on a summary judgment, holding that the plaintiffs has to show Unocal actively participated in the abuses. Herz said during the Nuremburg Trials that German factory managers who had complied with Nazi demands argued they only
worked for the Nazis because they feared for their lives. The Nuremburg Trials decided that this “necessity defense” could only be overruled if active participation with the Nazis could be proved through, for example, expanded production at the factory. When Unocal was thrown out of the federal court, the plaintiff’s counsel appealed the dismissal of the ATCA claims to the U.S. Court of Appeals for the Ninth Circuit, and refiled the California common law claims, which had been dismissed without prejudice in state court. Trial in the state court action begins in September.

On appeal in the federal action, a three judge panel of the Ninth Circuit reversed the district court. Two judges agreed that the trial judge had misread the Nuremburg Trials precedent, concluding that the necessity defense didn’t apply and that Unocal could be held liable under international law for aiding and abetting the military. The concurring judge agreed that case should not have been dismissed, but asserted that federal common law standards rather than international law standards apply. To resolve this split, the Ninth Circuit reheard the case in June before an 11-judge en banc panel. In a surprising move, the Justice Department submitted an amicus brief to the en banc panel in support of Unocal, arguing that all of the ATCA cases since 1980 are wrongly decided, and that no human rights claims should proceed because they interfere with U.S. foreign policy. In Herz’s view, “The Justice Department’s position is outrageous — enforcing human rights norms ought to be part and parcel of U.S. foreign policy. In any event, the Ninth Circuit made clear at oral argument they will reject the Justice Department’s argument.”

ERI is also involved in Wiwa v. Royal Dutch Petroleum Co., a case against Shell/Royal Dutch Petroleum Co. for human rights abuses in Nigeria. The Ogoni people, an ethnic minority of Nigeria, had launched massive, peaceful protests against the company’s environmental policies and the lack of development in their community. Although billions of dollars in oil were pumped out of the country, Herz said, the profits were taken by the government or siphoned off by central authorities. As a result of the protests, several Ogoni movement leaders were executed or persecuted, Herz said.

Other ATCA suits currently in federal courts include a case against Chevron Texaco for its involvement in killings in Nigeria and Exxon Mobil for human rights abuses in Indonesia, where the company hired the military to protect an oil facility.

“In our hopeful moments, we assume [Unocal] is going to have an impact” on such companies’ business practices, Herz said. He noted that the University divested from Unocal stock in 2001 after a protest started by an undergraduate student. The onslaught of litigation may make corporations realize their vulnerability, but “what we are seeing now is a reaction,” as businesses plot against ATCA.

Katherine Redford and Tyler Giannini founded ERI in 1996 after graduating from the Law School in 1995. Both had studied human rights and environmental issues during their second-year summer at the Thailand border with Burma, where they made the connection that environmental and human rights protection are intertwined, Herz said.

“Environmental degradation is typically an externality that’s put often on people who are otherwise marginalized,” he said, adding that people who protest environmental degradation in the developing world often get shot or have their houses burned to the ground. For more information on ERI and the cases it’s involved in, see www.earthrights.org.
WHEN IT COMES TO THE FIRST AMENDMENT, the Supreme Court justices may as well be wandering through the wilderness without knowing which way their compass is pointing since their decisions reveal *ad hoc* judgments rather than any concrete theory or rationale of free speech, according to Law Professor Lillian BeVier. BeVier presented these views in her John S. Shannon Distinguished Professor of Law inaugural chair lecture, “Whither Free Expression?” at the Law School April 3.

“The most important point I want to make is conveyed by the question mark” in her lecture’s title, she said. “I’m not going to tell you where free expression is headed — because I do not know.”

In the early 1970s the Court seemed poised to converge on a central meaning of the First Amendment, she said, as the focus of the debate shifted to the relationship of free speech to democratic government. It appeared that the Court had determined that free speech at its core protected speech about government or political speech. BeVier pointed to two cases, *New York Times v. Sullivan* (1964) and *Brandenburg v. Ohio* (1969), which showed this emerging consensus. In the former case the Court determined that debate on political issues should be “uninhibited, robust, and wide open,” and because “erroneous statement” is inevitable in such an environment, it must be protected for free speech to survive. To recover damages in a lawsuit regarding falsehoods about their conduct, public officials would have to prove such statements were made with “actual malice.” The second case, *Brandenburg*, undermined the traditional doctrine of “clear and present danger” in favor of forbidding a
state from punishing those who advocate using force or breaking laws unless it is directed toward causing imminent lawless action and is likely to produce such action.

In ensuing cases, however, the Court showed it had no intention of limiting the First Amendment to speech about government, BeVier said. The Burger Court not only extended commercial speech rights, limited the scope of exclusion of “fighting words” (which are unprotected), protected nude dancing and the right to show naked bodies on drive-in movie screens, but also gave more rights to the press — including facilitating more access to the legal system despite fears about compromising the right to a fair trial, and allowing the Washington Post to publish the Pentagon Papers despite national security concerns. On the other hand, the Rehnquist Court has protected flag-burning and has cited the First Amendment in a decision allowing the Boy Scouts to exclude homosexuals from their ranks.

“What the examples illustrate is that the array of cases on the Court’s First Amendment menu has for the last 25 years included — and continues to include — as many issues at the periphery as it includes issues at the core,” BeVier said, and the Court has failed to connect the core values stated in New York Times v. Sullivan — the commitment to open debate on public issues.

“I do think that the Court has dug a deep doctrinal hole for itself, and that it has filled that hole with precedents that have for good or ill become embedded in the legal fabric and that cannot and perhaps ought not to be dislodged.”

BeVier added that the challenge for the academy is to try to find ways to dispel incoherence in Court doctrine. If academics have become “unwitting accomplices” to the Court, sometimes eager to exploit incoherence or accept it as inevitable, “we must bear some of the responsibility for the Court’s having lost its way.” She said it is the academy’s job to keep looking for a theory about what the First Amendment is for.

The Court’s own explanations of its decisions can leave observers confused about how the justices interpret their own precedents. Sensitive readers of the Court’s decisions may be able to determine where future decisions will fall, but “how the Court’s going to explain it is a different matter.”

She likened the Court to the conductor of a train heading out of Grand Central Station, attempting to navigate the myriad crossing tracks.

“Unfortunately, however, I know there’s nobody at the switch and I fear that free expression is trying to stay on all those tracks at once, and thus is likely to go — whither?”
Class of 2003 Virginia Law Clerks

John Donley Adams
The Honorable David B. Sentelle
U.S. Court of Appeals for the D.C. Circuit

Melissa Beth Arbus
The Honorable Diana Gribbon Motz ’68
U.S. Court of Appeals for the Fourth Circuit

Malia Starr Arrington
The Honorable John R. Webb
Colorado Court of Appeals

Rachel Dougherty Brewster
The Honorable Phyllis A. Kravitch
U.S. Court of Appeals for the Eleventh Circuit

Karen Eleanor Christie
The Honorable Julie E. Carnes
U.S. District Court, Northern District of Georgia

Angela Adair Ciolfi
The Honorable Reginald C. Lindsay
U.S. District Court, District of Massachusetts

Thomas B. Davey
The Honorable Fred I. Parker
U.S. Court of Appeals for the Second Circuit

Lee Patrice Dunham
Staff Clerkship
Circuit Court of Virginia Beach

Robert John Durbin
The Honorable Jaime Pieras
U.S. District Court, District Court of Puerto Rico

Michael Anthony Gorokhovich
Staff Clerkship
New Jersey Superior Court

Zachary R. Hafer
The Honorable Shirley Wohl Kram
U.S. District Court, Southern District of NY

Emily Rebekkah Hanks
The Honorable Jeffrey T. Miller
U.S. District Court, Southern District of California

Jason Bryan Heep
The Honorable James C. Cacheris
U.S. District Court, Eastern District of Virginia

Kate Gilpin Horsley
The Honorable Stefan R. Underhill
U.S. District Court, District of Connecticut

Andrew David Johnson
The Honorable Emilio M. Garza
U.S. Court of Appeals for the Fifth Circuit

James Trevor Johnston
The Honorable Henry Coke Morgan, Jr. ’98
U.S. District Court, Eastern District of Virginia

Roscoe Jones
The Honorable Carl E. Stewart
U.S. Court of Appeals for the Fifth Circuit

Yvonne Lamoureux
The Honorable Christopher F. Droney
U.S. District Court, District of Connecticut

Michael Barr Lampert
Staff Clerkship
Supreme Judicial Court of Massachusetts

Daniel Neil Lissner
Staff Clerkship
Circuit Court of Henrico County

Crystal Grace Lovett
The Honorable Henry Coke Morgan, Jr. ’98
U.S. District Court, Eastern District of Virginia

Brendan Paul McGill
The Honorable Frank M. Hull
U.S. Court of Appeals for the Eleventh Circuit
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<td>The Honorable James H. Hancocck</td>
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<td>U.S. Court of Appeals for the Fifth Circuit</td>
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<td>Sarah Katherine Wood</td>
<td>The Honorable J. Frederick Motz ’67</td>
<td>U.S. District Court, District of Maryland</td>
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<td>Seth Morgan Wood</td>
<td>The Honorable Jerry E. Smith</td>
<td>U.S. Court of Appeals for the Fifth Circuit</td>
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<td>Sarah Hope Zinn</td>
<td>The Honorable Robert E. Gerber</td>
<td>U.S. District Court, Southern District of New York</td>
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2003 Graduation Awards

Margaret G. Hyde Award
Ryan Ashby Shores

James C. Slaughter Honor Award
Angela Adair Ciolfi

Thomas Marshall Miller Prize
Elaina Loreal Blanks

Law School Alumni Association Award for Academic Excellence
Melissa Beth Arbus

Law School Alumni Association Best Note Award
Seth Morgan Wood

Robert E. Goldsten Award for Distinction in the Classroom
Melissa Beth Arbus

Roger and Madeleine Traynor Prize
Rachel Dougherty Brewster

Herbert Kramer/Herbert Bangel Community Service Award
Carl Nicole Conklin

Mortimer Caplin Public Service Award
Lise Bittler Adams

Robert F. Kennedy Award for Public Service
Grant David Penrod

Edwin S. Cohen Tax Prize
Jennifer Lynn Maranzano

Earle K. Shawe Labor Relations Award
Andrew Charles Thompson

John M. Olin Prize in Law and Economics
Hannah Fonda Singal

Eppa Hunton IV Memorial Book Award
Stephanie Bettina Magnell

Virginia Trial Lawyers Trial Advocacy Award
Bret Thomas Winterle

Charles J. Frankel Award in Health Law
Angela Adair Ciolfi

Z Society Shannon Award
Christopher Thomas Nidel

Virginia State Bar Family Law Book Award
Brett Eric Coburn

Maegan Lee Conklin
Richard Bonnie ’69 made a presentation on the need for reforming Texas’s insanity defense in the wake of the Andrea Yates case. The conference, held in Austin in February, was sponsored by the Texas Psychiatric Society and various components of the Texas Bar.

Bonnie continues to work with colleagues in the Medical School, including Dean Arthur T. Garson, and members of the Institute for Practical Ethics (James Childress and Ruth Gaare) to establish a new program in Public Health at UVA. The program will include opportunities for law students to earn joint master’s in public health and law degrees. The intent is for the program to feature collaboration with the Centers for Disease Control and Prevention (CDC). This spring, the group hosted a conference on bioterrorism with CDC and the Virginia Department of Health.

On March 31, Bonnie gave a presentation on the rebalancing of homeland security and civil liberties in the wake of September 11 at a conference on Communicating in Crises sponsored by the Critical Incident Analysis Group at UVA. In mid-April he participated in a conference on improving public health literacy in legal education held in Boston at Northeastern Law School, sponsored in part by CDC.

Bonnie’s work during this period for the National Academy of Sciences included his being appointed to the National Research Council Board that oversees the Division of Behavioral and Social Sciences and Education, as well as serving on the NRC’s Committee on Law and Justice. In May, Bonnie participated in a forum on screening for terrorists sponsored by the Committee on Law and Justice. Bonnie is also chairing a committee for the Institute of Medicine (an arm of the National Academies) on medico-legal death investigation, which met in late-March. The committee is assessing the need for a larger study of the adequacy of death investigations conducted by medical examiners and coroners. Bonnie’s major assignment for the National Academies during this period was to lead a study on underage drinking requested by Congress. The committee was tasked with developing a cost-effective strategy to prevent and reduce underage drinking. The committee’s report, Reducing Underage Drinking: A Collective Responsibility, will be released in September.

At the Annual Meeting of the American Psychiatric Association in San Francisco in May, Bonnie received a Special Presidential Commendation for his contributions to American Psychiatry over the past two decades. (See related story on page 20.)

At the meeting he made a presentation on international developments in mental health law and ethics, including the Declaration of Madrid adopted by the World Psychiatric Association, and a manual on mental health legislation being developed by the World Health Organization.

And finally, working with the Virginia State Crime Commission and the Governor’s office, Bonnie played a key role in drafting and securing passage of legislation on mentally retarded offenders and the death penalty to respond to the U.S. Supreme Court’s 2002 decision in Atkins v. Virginia.
Bonnie Lauded by American Psychiatric Association

RICHARD BONNIE ’69 HAS BEEN AWARDED THE American Psychiatric Association’s Special Presidential Commendation in recognition of his contributions to the APA’s programs for more than two decades, especially to its Council on Psychiatry and the Law. The award was presented at the APA’s Convocation of Fellows in San Francisco May 19.

Bonnie, the John S. Battle Professor of Law, Professor of Psychiatric Medicine, and the Director of University’s Institute of Law, Psychiatry, and Public Policy, is a leading authority on law relating to mental health, substance abuse, and public health.

Bonnie began his public service 30 years ago as Associate Director of the National Commission on Marihuana and Drug Abuse. He served as Secretary of the first National Advisory Council on Drug Abuse and then was Chairman of Virginia’s State Human Rights Committee, responsible for protecting the rights of persons with mental disabilities.

Professor Bonnie has served as an advisor to the APA’s Council on Psychiatry and Law since 1979, and received the APA’s Isaac Ray Award in 1998 for his contributions to forensic psychiatry and the psychiatric aspects of jurisprudence. “Among those contributions was his role as the architect of a consensus position on the insanity defense endorsed by the ABA and APA in 1982–1983, and eventually incorporated into the federal Insanity Defense Reform Act of 1984,” according to the APA.

Bonnie served as chief advisor for the American Bar Association’s Criminal Justice Mental Health Standards Project from 1981–1988. He has also served on the MacArthur Foundation Research Network on Mental Health and the Law from 1988–1996, and is currently participating in the Foundation’s Initiative on Mandated Community Treatment.

Bonnie is deeply engaged in issues involving psychiatry and human rights. In 1989 he was a member of the U.S. State Department delegation that assessed changes in the Soviet Union relating to political abuse of psychiatry, and performed a similar mission for the World Psychiatric Association in 1991. He is on the Board of the Geneva Initiative on Psychiatry.

In 1991 Bonnie was elected to the Institute of Medicine of the National Academy of Sciences and has since chaired multiple Academy studies on subjects from elder mistreatment to underage drinking. He received the Institute’s Yarmolinsky Medal in 2002 for his contributions to the IOM and the National Academies.
In April, Anne Coughlin traveled to Baton Rouge to give the Edward Douglass White Lecture on Citizenship, an endowed lecture sponsored by The Louisiana State University Paul M. Hebert Law Center and The LSU Department of Political Science. The title of her lecture was “Sex and Guilt.” Over the course of the two-day program, Coughlin described and expanded upon the themes and claims made in her article (“Sex and Guilt”) published in the Virginia Law Review, and described her work-in-progress on sex and intoxication.

On May 14, Coughlin gave a lecture entitled “Sex Under the Influence” at the Judicial Conference at the Court of Appeals for the Armed Forces, held at Catholic University in Washington, D.C. “In this lecture, I focused on some of the allegations emerging from the most recent sex scandal in the armed forces at the U.S. Air Force Academy, and offered potential solutions for resolving the most difficult rape cases confronting military and civilian prosecutors, namely, date rape cases in which one or more of the participants was intoxicated.”

During the first half of 2003, A. E. Dick Howard ’61 has been focusing on the international traffic in constitutional ideas. In January he lectured at French universities in Paris and Lyons. Under the auspices of the Sorbonne (University of Paris I) and the Centre Americain de Sciences Po, Howard lectured on “A Stroll with Mr. Jefferson: How American Constitutional Ideas Travel,” paying particular attention to the contributions of the French to American ideas during the Revolutionary Era, including the American state constitutions. At the University of Lyons colloquium, “The First Amendment to the American Constitution: An American Model of Liberties?,” Howard presented a paper on “American Constitutionalism: How Constitutional Ideas Travel.”

Howard has recently written a paper analyzing how Virginia accomplished a successful revision of its constitution in comparison to other states (especially those which failed), and explored whether Virginia could do in 2003 what was done in the 1970s. The paper is for Rutgers University’s Center for the Study of State Constitutions.

Last fall the European Union organized a convention in Brussels to draft a constitution for Europe. Howard took a special interest in this process because of the comparisons which can be made between what the Europeans are doing in Brussels and what Americans did in Philadelphia in 1787. The European Studies Centre at Oxford University organized a conference in April, “Whose Europe? National Models and the Constitution of the European Union,” where Howard contributed a lecture on “Europe’s Constitution: An American Perspective.”

In June, the Council on Foreign Relations, of which Howard is a member, held its national conference in New York on “Ten Years after the Cold War: Does the United States Know What It’s Doing and Where It’s Going?” In a session on “U.S. Foreign Policy after the War in Iraq,” Howard made remarks on “The Drafting of a Constitution for Europe.”

The design of a constitutional government for Iraq is a subject of great interest to Howard, and in June he was one of the speakers at a program, “Constitution Building in Iraq,” organized in Washington by the Federalist Society. Howard is also set to testify at a Senate hearing on “Constitutionalism, Human Rights, and the Rule of Law in Iraq.” The hearing is being organized jointly by the Judiciary Committee’s Subcommittee on the Constitution, Civil Rights, and Property Rights, and the Foreign Relations Committee’s Subcommittee on Near Eastern and South Asian Affairs.
PUBLIC PARTICIPATION IN WATERSHED management may be crucial to balancing a region’s competing demands for water use and the desire to preserve the environment, said officials and scholars at “Improving Public Participation and Governance in International Watershed Management,” an international symposium held April 18–19 at the Law School.

Participants from five continents gathered to discuss how to involve the public in management of large watersheds that cross national boundaries. Because they lie within the jurisdiction of several nations, these watersheds pose difficult management challenges, and people living along these international watercourses may have little or no voice in decisions that affect them, said Law Professor and symposium organizer Jonathan Cannon.

“There are more robust versions of public participation” than merely asking the public to comment on plans, Cannon said in his introduction to the symposium’s first panel. “In these more robust versions there are opportunities for the convergence of public participation and governance in meaningful ways. Our goal is to explore those opportunities in the management of transboundary resources.”

Ecological Disasters Increased Public’s Role

Increasing public involvement in watershed planning and lessening reliance on top-down, regulation-based approaches may yield better results and avoid future lawsuits, panelists said during “The Role of Public Participation in Decision-making: Essential or Dispensable in Watershed Management?,” but participants disagreed about the role of federal environmental regulations in sparking the public’s activist response.

Columbia Law Professor Bradley Karkkainen argued that watershed management and ecosystem preservation is moving toward a post-sovereign model that doesn’t fit the traditional model of federal- and state-enforced regulations. He said there are limitations to such a state-centric approach, especially when ecosystems are a “mismatch to territorially defined political boundaries,” such as the Great Lakes.

University of Colorado Law Professor David Getches noted that the U. S. has only recently invited the public into watershed management decisions, after realizing that excluding the public leaves the government vulnerable to lawsuits.

“In the United States today, we find ourselves in an era of rethinking decisions that were made 30 or even 100 years ago,” Getches said — decisions made with one goal in mind, beginning with the Jeffersonian ideal of fertilized fields for agriculture, and later support of expansion into the West. Dams, for example, were once largely a matter of politics, and experts were brought in solely to build the dam itself, not examine its effects on the environment. “Feasibility meant technical feasibility,” he said, and states were in competition over which could pull in the most federal largesse.

International Financial Institutions May Foster Public Involvement

International financial institutions like the World Bank and the African Development Bank (ADB) can play key roles in improving public involvement in watershed planning, according to participants in the panel, “Public Involvement in International Financial Institutions,” but frustration over international involvement in local matters was also apparent in the audience.

Although water projects make up only a percentage of the billions of dollars loaned by
the World Bank to developing countries each year, “by far the projects that get the most attention are large-scale hydro projects,” according to World Bank lawyer Charles DiLeva. In the U. S. 75–80 percent of the hydro capacity has been developed, but in Africa that figure is at five percent, DiLeva said, noting the double standard implicit in scrutinizing the water management decisions of Africa. Today funding for large-scale projects comes from multilateral institutions that have environmental concerns, he said, and the construction is carried out through private entities. DiLeva said World Bank activities typically focus on the sensitive issues that private companies don’t finance.

Success Depends on Conditions that Vary Widely Among Watersheds

Three panels addressed actual experiences in managing large watersheds around the world — from the Mekong River in Asia, to the Danube in Europe, the Niger and the Nile in Africa, and the Great Lakes Basin in North America. Panelists generally agreed that effective public participation contributes to efficient and fair decisions. But they also concluded that the conditions necessary for effective participation were more present in some places than in others. These conditions included stable democratic institutions, a high level of public awareness and education about the issues and a level of economic well-being that enables the public to get involved. Discussion focused not only on techniques of encouraging public participation but also the need for the developing world to create conditions under which meaningful participation can occur. In closing remarks, Joseph Dellapenna, a Rapporteur of the Water Resources Committee of the International Law Association, also urged the importance of emerging international norms in securing public involvement in transboundary resources management.

At the conclusion of the symposium, Cannon observed that although the level and quality of public engagement in some of the world’s great watersheds is encouraging, conditions essential for strong public participation do not exist in others. “There is still much to be done to establish a democratic footing for watershed management worldwide.”
Michael Klarman took part in a constitutional theory colloquium in April at Georgetown Law School, on the conclusion to his forthcoming book, *From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality*.

Paul Mahoney gave the John Raben Memorial Lecture at Yale Law School on May 7. Entitled, “Searching for Market Manipulation in the Pre-SEC Era,” the lecture analyzed certain investment practices in the 1930s that were the impetus for much of the current regime of securities regulations. Though Mahoney’s talk looked back in time, he argues that it has relevance to the present era. Many of the securities laws enacted in the 1930s are still in effect. If the premise for those laws turns out to be false, Mahoney argues that we should reconsider some regulations, such as the restrictions on investment banks trading in securities they are underwriting. In addition, the story of whether investors were fooled, and whether the stock pools could manipulate stock prices is “relevant to our current understanding of how investors behave,” he says.

Mahoney also participated in a roundtable discussion of stock exchange self-regulation at the Fordham Center for Corporate, Securities and Financial Law on April 29. He presented “Market Efficiency and Market Microstructure” at a symposium entitled “Revisiting the Mechanisms of Market Efficiency” at the University of Iowa College of Law on April 4, and then presented “Market Manipulation and the Volume-Return Relationship” (co-authored with Jianping Mei of the Stern School of Business at New York University) at a workshop at Vanderbilt Law School on March 21. Mahoney also presented a paper, “The Value of Judicial Independence” (co-authored with Dan Klerman of the University of Southern California Law School) at a Law School summer workshop.

John Monahan was an expert witness in a civil suit that recently won the National Law Journal’s 2002 Top Defense Verdict Award. The suit was *Chang v. Cleveland Clinic Foundation, Raina Krell, M.S. and Scott Strothers*. Incidentally, the two key lawyers for the defense were both Law School alumni (see Class Notes for Joseph W. Ryan, Jr.’78, and Patricia A. Screen ’85). Each year, the *NLJ* compiles a list of the most significant courtroom victories. The *NLJ* states “the trial’s most compelling defense witness was John Monahan, a psychologist who teaches at the University of Virginia School of Law. He testified about the impossibility of predicting long-range violent behavior.” The victory tops 13th annual list of the year’s most impressive defense verdicts in civil litigation.
Caleb Nelson presented a paper about originalism and founding-era interpretive conventions at a Constitutional Law Workshop at the University of Chicago in January. In March, he spoke about federal preemption of state law as part of a panel at the spring meeting of the National Association of Attorneys General in Washington, D.C. In June, Nelson appeared on another panel about preemption at the mid-year meeting of the Association of American Law Schools in New York City.

Jeffrey O’Connell was a speaker at a symposium at the University of Tennessee Law School in April on personal injury damages — the symposium will comprise a forthcoming issue of the University of Tennessee Law Review.

O’Connell spoke in Washington, D.C., at a forum sponsored by the Committee for Economic Development and the Hudson Institute on May 6, on a proposal he co-authored to reform the manner in which contingent fees in personal injury cases are to be paid. This proposal was the subject of a front page story in the New York Times on May 25, 2003. O’Connell spoke twice in April at the annual meeting of the American College of Obstetrics and Gynecology in New Orleans on medical malpractice law. He also took part in the local PBS program “For the Record,” which featured an interview on tort reform and no-fault insurance by Charles Sydnor.

Robert O’Neil defended academic freedom on Fox News’ The O’Reilly Factor on March 31, and discussed the Thomas Jefferson Center for the Protection of Free Expression’s “Jefferson Muzzles” on NPR’s Morning Edition on April 18. The media has given extensive coverage of the Muzzles. The center’s website (tjcenter.org) explains the Muzzles: “Since 1992, the Thomas Jefferson Center for the Protection of Free Expression has celebrated the birth and ideals of its namesake by calling attention to those who in the past year forgot or disregarded Mr. Jefferson’s admonition that freedom of speech ‘cannot be limited without being lost.’”

O’Neil recently spoke at the University of Vermont, and to the Ohio and Connecticut American Association of University Professors Chapters on the topic of academic freedom — part of the work of the Special Committee on Academic Freedom and National Security in Time of Crisis, which he chairs. O’Neil also serves (for the second time) on the search committee for the AAUP’s General Secretary. The work of the National Academy of Sciences Committee on Privacy in the Information Age, on which O’Neil chairs the Law Subcommittee, is proceeding apace, he reports.

O’Neil, on behalf of the Thomas Jefferson Center, filed amicus curiae briefs this term in three Supreme Court cases — Black (cross burning), Kasky (commercial vs. corporate speech) and Hicks (Richmond Public Housing trespass).
Robinson Shares Voices of the Brown Generation

LAW PROFESSOR MILDRED ROBINSON remembers clearly the day the Supreme Court handed down the *Brown vs. Board of Education* decision ruling that “separate but equal” schools violated the 14th Amendment. She was in fourth grade, and her father, the principal of her segregated South Carolina school, came into the schoolyard, ringing the bell that normally signaled the end of recess. As the students gathered around him he announced the decision to the children, and they danced and laughed, “perhaps without knowing why,” Robinson told the audience during her chair lecture following her appointment to the Henry L. and Grace Doherty Charitable Foundation Professorship March 25 at the Law School.

Robinson teamed up with Law Professor Richard Bonnie in surveying the country’s law academe about the impact — if any — of Brown in their neighborhoods. “That case had a profound impact on both of our lives,” she said. “We [also] wondered what others of our generation could and would recall and share.”

*Brown* was so incendiary that schools in Charlottesville were closed for a year to avoid integration. The mixed reaction from states to ending “de jure” segregation also yielded mixed reports from survey respondents. Robinson said the facts show “*Brown’s* effect was much more muted than any of us could have imagined.”

Her school, which included elementary and secondary grades, was not desegregated while she was there. By 1964 fewer than one percent of students in 11 southern states attended desegregated schools. The 1964 Civil Rights Act ultimately accomplished what *Brown* could not, she said, in fulfilling the goal of desegregation.
“Education is perhaps the most important function of state and local governments,” she said. It is necessary to fulfill the most basic civic duties, prepare children for careers, and awaken the child to cultural values, she added. “It is no overestimation to declare that an educated citizenry is the glue that holds our society together.”

While schools are no longer legally segregated, the “debate over the meaning of Brown continues.” She hoped the survey’s results would help citizens think constructively about the shift in the public paradigm that followed the decision.

Robinson noted that there was little data documenting the extent of school segregation in 1954, although we do know that children in 21 states and Washington, D.C., were enrolled in segregated schools. Robinson and Bonnie’s survey targeted a seemingly implausible group — legal academicians born during 1937–1954. That group would have been “overwhelmingly upper-class, white and male” in 1954, but they represent an accurate picture in light of white male dominance of the legal profession during the same period, she said. In 1940, African-Americans comprised less than five-tenths of one percent of the nation’s lawyers, while women comprised three percent during the same period. Now about one-third of law professors are women, seven percent are black, and 14 percent overall are minorities.

Robinson and Bonnie mailed about 4,800 surveys in the winter of 2001 and received 800 responses. The survey asked such questions as whether the respondent specifically recalled hearing about Brown, and if so, what they remember; what changes occurred in their school as a result (if any); and what city and state they were living in at the time. The respondents were mostly white (88 percent) and male (71 percent), and most fell between the ages of 5–12 (52 percent) in 1954. Twenty percent were born in a state with segregation. Because of the low responses from the Southeast, Robinson said they are in the process of re-surveying that area.

“I suspect there’s some reluctance to participate, so we’re trying again.”

Robinson said 25 percent of the respondents recalled hearing of the decision, and a number shared their recollections. One white respondent — a high school student in 1954, remembered taking a poll for the school newspaper of what students thought of the decision — 25 percent were in favor, 25 percent didn’t favor the decision, and 50 percent didn’t care (some things don’t change, Robinson joked). Another respondent thought the decision didn’t impact him, only the South. Another recalled a teacher declaring that she refused to teach a racially mixed class of students.

“It is no overestimation to declare that an educated citizenry is the glue that holds our society together.”

The younger age group was more apparently affected by the adults around them. There was uncertainty — what would happen next? One black respondent reported that he remembered being glad to be able to prove he was as smart as whites. When another student asked his parents what was wrong with the kids that had to go to a separate (black) school, the parents responded that “nothing was wrong with the children — there was something wrong with the adults.”

Others reported tension in schools. While one student recalled armed troopers of the
101st Airborne being called in to protect black students, another respondent remembered how as a seventh-grader he thought a lone black student in his Richmond school would be scared. The decision also affected other minorities, as school boards struggled with how to assign Asian students, for example, and one respondent recalled how Native Americans were no longer compelled to leave home to attend Bureau of Indian Affairs schools.

“One writer reports she was harassed after making friends with a black classmate,” Robinson said.

Several wrote about their youthful irritation that public swimming pools were closed on hot days, to avoid integration. Some reported becoming aware of how housing patterns affected discrimination, while others recalled that “integration” merely put white students on the higher academic track in classes, while still enforcing separation. Other respondents recalled becoming aware of other kinds of ethnic or cultural discrimination.

Robinson noted that only one-third commented on their personal experiences as a result of the decision. Seventeen percent thought their school was directly affected, 12 percent said integration occurred as a result of the ruling, two percent were reassigned to different schools, two percent reported being bussed, and one percent recall schools being closed.

Robinson warned that school resegregation today is “undeniable.” On average, white students attend schools that are 80 percent white, while blacks on average attend schools that are 54 percent black. City schools are overwhelmingly non-white and suburban areas are resegregating along race and income levels. Schools in the South that had in recent years been the most integrated in the nation are rapidly becoming resegregated, she said.

“Resegregation is not a Southern phenomenon, it’s a national tragedy,” she said. It “bodes ill of our expectations as a nation.” While people of color make up 30 percent of the nation’s population today, that number will rise to 50 percent in the future, she said.

She recalled one respondent from a small town in Virginia who had never experienced classroom diversity until college, where he met blacks, Asians, Jews, uncoioted gays and “preppies.” She said for the few Americans who do attend college, diversity comes late in the game, when it is harder to overcome prejudices. Young children have a compelling interest to learn about other racial differences, or rather about universal commonalities, she said, “for education is increasingly the sole national common denominator.”

Robinson said her own epiphany about being able to compete with whites did not come until after college, when she worked as a systems engineer for IBM. She was sitting in a class with other systems engineers and realized “that I could do that” — and better than some others in the room. “The opportunity to successfully go one-on-one was important in helping me form that conviction,” she said.

Robinson quoted her daughter’s graduate school application essay, in which her daughter wrote about the disbelief she and her peers felt at Charlotteville’s segregated past. “It is this disbelief that I love,” her daughter wrote. Brown “catalyzed a social metamorphosis that has come of age in my generation.”

“Would that this view become the common American experience,” Robinson concluded.
In October, Elizabeth Scott presented a paper, “Blaming Youth” on the culpability of adolescent offenders at a conference at the University of Arizona Law School. Also in October she presented “Adolescence in American Law” at a conference entitled “A Century of Juvenile Justice” at Northwestern University Law School.

Scott participated in a major study conducted in February by the Research Network on Adolescent Development and Juvenile Justice, of which Scott is a member, sponsored by the MacArthur Foundation. The study compared the competence to participate in criminal proceedings of juveniles and adults and found that approximately one-third of 11- to 13-year olds performed as poorly as adults who are found incompetent to stand trial.

“These findings have important implications, given the trend toward trying juveniles in adult criminal court,” said Scott. The study will be published this fall in *Law & Human Behavior*.

In March, Scott presented a paper on “Marriage, Cohabitation and Collective Responsibility for Dependency” at a Conference on Marriage, Democracy, and Institutions at Hofstra University Law School.

Scott presented a paper in July at the European Law-Psychology Society Conference in Edinburgh, reporting on a study conducted with N. D. Reppucci of UVa’s Psychology Department. This study, also funded by the MacArthur Research Network, examines public attitudes toward the culpability of young offenders.

Richard Schragger organized the “May Gathering of Junior Faculty” on May 18–19, a conference that attracted almost 40 junior faculty from around the country. The conference, held this year at the Georgetown University Law Center, is in its second year, and provides a forum for a new generation of law teachers to discuss the nature and future of legal scholarship. Faculty from many schools attended, including Yale, Columbia, Cornell, Washington University in St. Louis, George Mason, Tulane, Cardozo, Georgetown, Texas, University of Connecticut, and George Washington University. Virginia Law Professors Risa Goluboff, Jennifer Mnookin, Rosa Brooks, and Tim Wu also attended.

Barbie Selby, Documents Librarian, has been appointed to the Government Printing Office Depository Library Council for a term of three years. The Council comprises 15 people from the library and government information communities who advise the Public Printer on the operation of the federal Depository Library Program.

Stephen F. Smith was named to the Executive Committee of the Board of Directors of the United Way of the Thomas Jefferson Area. He was also named to the Academic Advisory Panel for an
IMAX film, *We the People*, concerning the origins and history of the U.S. Constitution. The movie will run in the Smithsonian Museum of American History beginning in 2004 and be developed into companion educational materials for use in elementary school classrooms nationwide. Smith was also accepted as a member of the Edward Coke Appellate Inn of Court.

In April, **Paul Stephan** presented a paper on the subject of “The New Antitrust Paradox: Policy Proliferation in the Global Economy” at a conference organized by the American Law Institute in Washington, D.C. The title of the paper was “Competitive Competition Law? An Essay Against International Cooperation.” Stephan was also a speaker at a conference on international antitrust at the Boalt Law School, University of California at Berkeley.

**Tim Wu** published two articles during spring and summer, “When Code Isn’t Law,” in the *Virginia Law Review*, and “Broadband Discrimination, Network Neutrality,” in the *Journal of Telecommunications & High Technology*. Wu also conducted workshops at Stanford Law School, University of Ottawa, and Kyushu University, Japan, and spoke at a symposium at the University of Colorado.

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**Public Service Center Seeking Counselor**

THE MORTIMER CAPLIN PUBLIC SERVICE Center will expand its services to students and alumni by adding a Public Service Director and Career Counselor who will coordinate public service career counseling, public service projects, and the judicial clerkships program. Interested Law School graduates should contact the chair of the Law School’s Public Service Search Committee, Professor Richard Balnave, 580 Massie Road, Charlottesville, VA 22937, or telephone 434-924-7582, fax 434-924-7315, or email rdb@virginia.edu.
SCHOOL IS IN SESSION FOR A GROUP
unique not only for what they lack — laptops
to take notes on — but for what they have —
law degrees and years of teaching experience.
Several Law School faculty are attending faculty
enrichment seminars, two one-week sessions
organized by Professor Jody Kraus and taught
by Professors John Monahan and John
Harrison.

“Although we have ample opportunity to
vet scholarly projects with our colleagues, we
had few opportunities to learn the
fundamentals of core areas of law or other
relevant disciplines from them,” Kraus said. As
a result, he organized the courses to cater to
faculty needs and offer a comprehensive,
efficient introduction to the basics in the
seminar teacher’s area of expertise.

Monahan’s class, Understanding and
Evaluating Empirical Studies, focused on how
to formulate an empirical question or
hypothesis to test, research methods for
gathering information in an empirical study,
and interpreting that information.

Harrison is teaching 18th- and 19th-
Century
Constitutional
Theories, but many in
his class are not
costitutional law
scholars.

“They’re people
who wanted to know
more about this and
some who have
worked in related fields,” he said, adding that
given the nature of American public law, it’s
natural for professors to be interested in the
subject.

In his class the faculty are given “fairly
heavy” reading assignments that explore primary
and secondary materials, from historical and
legal scholarship to the constitutional debates at
the Federal Convention, but are spared from
taking an exam and the Socratic method. “I’m
confident that faculty have not only done the
reading, but done the reading carefully,” he
joked.

Professor Elizabeth Magill, who teaches
Constitutional Law and Administrative Law,
attended both seminars. She attended
Monahan’s class because she’s considering
working on an empirical scholarly project in
administrative law, and feels the Constitutional
Theories seminar will enhance her teaching and
writing as well.

“It’s an untapped resource,” Magill said of
her colleagues. “You don’t often get this level of
exposure to their expertise, and we don’t often
have the time that we have in summer.”

Professor John Harrison teaching 18th- and 19th-Century
Constitutional theories.
Establishment of Chairs Honors Special Couple

Creation of the David and Mary Harrison Distinguished Professorships ensures the Law School’s pre-eminence in teaching and scholarship. In the ensuing pages, you will read about the three professors who are the first holders of these chairs. Here we provide a brief glimpse of the couple the chairs honor.

In November of 1997, one of David and Mary Harrison’s daughters, Marjorie Harrison Webb, described her parents and their life in the following comments delivered at the dedication of the David A. Harrison III Law Grounds.

We are a very fortunate family. We are privileged to be sitting in front of this impeccably designed building, surrounded by the subtle but inspired David A. Harrison Law Grounds. The quiet, elegant nature of the design actually reflects more of my mother’s personality than my father’s, but it is a wonderful expression of their vision and their passion for every facet of the University.

A few weeks ago, when Ted Turner said that his huge gift to the UN was, and I quote, “A wake-up call to the rich people so they would give their fair share,” I thought to myself — my parents’ alarm bell had rung loud and clear, many years before.

A school has a life, a journey of its own. It grows brick-by-brick, professor-by-professor, and for those who follow such things, ranking-by-ranking by U.S. News & World Report. Today I’m here to talk about my father’s journey. His has been an 81-year journey from Hopewell to Alexandria, to Charlottesville, where he resided at Miss Sally Hamilton’s, St. Anthony’s Hall, to, and I quote him, “A horrible apartment I would as soon forget,” probably found for him by Cabell Maddox or his other lifelong friend, Tyler Wilson. To the Range, the Lawn, to Long Island, and finally, back to Hopewell. He has lived in a simple frame house, followed by a sprawling brick house, back to a simple farm house, and finally, and I use the term advisedly, to a fantasy house. His current house, heroic in proportion, is a culmination of all his dreams and memories, collected throughout his lifetime. It’s a little Jefferson, a little Charleston, and a lot Cecil B. DeMille. It is his personal statement and he has had the time of his life designing it.

I mentioned his dreams, and they are plentiful. He plants his gardens according to these dreams. He mixes color and plant material and arranges them in a precise design, and then, he sits back and waits patiently while they mature. The plantings evolve into something much greater than the sum of simple parts. My father and my mother did the same with the five of us. We were exposed to the best life could offer — the finest education, incredible travel,
lifelong encouragement, warmth, and security. Then they patiently sat back and watched us mature into what we would become.

While growing up it was impossible not to be impressed with my father’s boundless optimism. He was convinced that life was great and would only get better. Nothing dampened his spirits, even when deeply disturbing events occurred … All of this unbridled enthusiasm is a gift to all who know him. And it colors his thoughts and his plans for the future. All of you here today are witness to his unique view of life. His every day sayings, sort of a “Not-So-Poor David’s Almanac,” all embody his spirit. How many times have we heard, “an investment in happiness,” “better to be lucky than good,” and, “yesterday was good, today was better, but just wait until tomorrow.” These sentiments explain my parents’ extraordinary investment in this university and this law school. It’s a place where the youth of this country are taught theory and practice by the finest legal minds. And then, they are left to mature into what they will become. It has been an investment in the future of this country, thus making it the happiest of investments.

In 1941, his final year in law school, my father took a tort course that was taught by Dean Ribble. On the final exam, he received a score of 96. And the Dean remarked the paper had been an excellent one, but the spelling had been so terrible he was forced to take off a few points. My father went to see Dean Ribble and told him that when he went to work at a firm, he’d have a secretary to catch all of his mistakes, so the misspelling shouldn’t count against him. Dean Ribble was not convinced — his grade stood.

Today, as we sit here, surrounded by all that he has helped this Law School accomplish, let us stand and give him an A+ in concept, theory, execution, and above all, optimism.

IN COVERING DAVID HARRISON AND HIS bountiful generosity over the years, we have written much about Mr. Harrison’s life and career, but little about his wife, Mary. This was not an oversight. Although she was always a very private person, chronic illness prevented her from engaging in the active life she had once enjoyed.

Born February 24, 1924, Mary Frances Anderson graduated from the Brearly School and Finch College, both in New York. She married David on February 21, 1944 in Old Brookville, NY, where they both lived until moving to their Virginia plantation at Flowerdew Hundred in 1987.

A voracious reader, Mrs. Harrison was a long distance swimmer, an accomplished rider, and an expert backgammon player and crossword puzzler. She loved travel, loved to laugh, and raised her children with warmth and gentleness. Her daughter, Marjorie Harrison Webb, put it simply: “All who knew her loved her.”

Mrs. Harrison died in 1990 after suffering from Parkinson’s disease for the last 13 years of her life. She was 66.
Bringing Theory to Practice

Scott, Goetz Lead Nation’s Top Team on Law and Economics of Contracts

Cullen Couch
LAST FALL, SCHOLARS FROM EUROPE AND THE United States traveled to Charlottesville to attend a festschrift honoring the work of Professors Robert Scott and Charles Goetz in the field of Law and Economics. A festschrift — German for a celebration in writing — is a presentation of papers by different scholars in tribute to the work of a colleague whom they admire. In this instance, the event lauded Scott and Goetz for providing “a foundation for the remarkable progress in the economic understanding of contract law over the past two decades.” According to Professor Scott, while it was a “singular honor” for him and Professor Goetz, the festschrift was more about the leadership role that the Law School faculty holds in the field nationwide.

But first, a little history.

In the 1930s a group of legal scholars, who came to be known as the Realists, began challenging bedrock principles upon which our legal system rested. They argued that the law was not some metaphysical concept certain in its outcome, but instead an unpredictable system that relied on anticipating correctly how a judge or jury will decide a given issue. The Realists adopted Oliver Wendell Holmes’s definition that “the prophecies of what the courts will do in fact, and nothing more pretentious, are what I mean by the law.” With this principle in hand, the Realists wandered far from pure doctrinal scholarship and into the behavioral sciences and moral theory, seeking to identify the universal principles shared by the “family of man” that guide the legal process.
“The Legal Realists essentially challenged the notion that law was a self-contained discipline derived from first principles,” says Professor Scott. “They said that law is policy and we have to ask the question, ‘why are we doing this?’ That question forces you to look outside the law school to other disciplines that answer questions about why people behave the way they do, what are the impacts of certain forces on their behavior, what are the moral foundations of our society, and the like.”

Some of the more radical members of this group — historians number their ranks at around 40 — believed that legal doctrines were irrelevant to a judge’s or jury’s ultimate decision. Others in the group were more moderate, arguing that courts certainly started with, and were influenced by, legal rules and principles, but that background, experience, and context colored their judgment to a much greater degree.

Whatever the relative differences within the group, at its core the Realists challenged directly the American constitutional system of a government “by the people.” They viewed with bemused aloofness the laws and regulations created by popularly elected officials. The Realists advocated adherence instead to an amorphous body of universal principles that they themselves found hard to define. They began foudnering in their effort to divine our society’s collective motivations and beliefs and apply them to goals that they believed the law ought to be promoting. The Realists’s anti-democratic impulses, not to mention the shaggy-youth insouciance that their older colleagues found unseemly, were their eventual undoing. By the late 1940s, all that remained of the movement was their initial epiphany: that the law must look beyond itself to understand how and why it impacts society.

Twenty-five years ago, when the Realists’s fireworks were but a fading glimmer on the academic horizon, Professors Scott and Goetz found themselves converging upon a common scholarly point. Scott was researching his ideas regarding the behavior and expectations of parties to a contract, while Goetz, an economist, was weighing whether to make a career change.

“I came here in 1974,” says Scott, “and Charlie came the next year. Our relationship developed almost from the beginning. He was contemplating a rather dramatic career change because he was a tenured economics professor at Virginia Tech. The Law School had invited him to spend a year as a visiting professor and they invited him to stay as a law professor, which in those days was quite unusual. Law professors had law degrees, and he did not.”

“I agonized over the decision for about six weeks,” says Goetz. “One of the things I had decided — and it was a good move — was that I was going to give myself five years to learn enough law that my colleagues would accept me as being a legal scholar and not just an economist. I thought the challenge would be to show that the kind of work that Bob and I did, using economic principles to explain and critique legal doctrines, could make some contribution in core areas of law.”

Professor Goetz remembers the day their professional relationship began. “I was seated in my office down the hallway with the door open and I heard an argument in the hall between Bob and Warren Schwarz, who was also an early advocate of Law and Economics. They were arguing over the economic rationale of the traditional rule against penalties. Economists had actually been in favor of the rule against penalties because it prevented what they call ‘inefficient performances,’ and Schwarz had just read an article by a couple of economists. He was arguing with Bob that the penalties doctrine was efficiency-enhancing and Bob was arguing back. I jumped up and said, ‘Bob’s right, and what’s more, I can prove it!’”

Goetz went to work and within a day had “created an economic model that was the basis of our first article on liquidated damages.” Scott and Goetz together built upon the Realists’s central principle — that the law must look beyond itself — and wrote the first of a series of six major articles that Law School Professor George Triantis calls “path breaking works” in the development of the Law and Economics movement.

As Director of the John M. Olin Program in Law and Economics and co-editor of the Journal of Law and Economics, Triantis is a noted expert on business law and contracts. His research has built upon the work of Goetz and Scott, and he leads the effort at the Law School to promote scholarship in Law and Economics through workshops and other academic events.
“I think that collection of articles may be the most important contribution in the Law and Economics of contract in the last 30 years,” says Triantis. “The articles were sustained contributions to economic methodology. They analyzed a series of issues in contract law and showed just how powerful the methodology was.”

Professor Alan Schwartz, Sterling Professor of Law at Yale Law School, says Goetz and Scott’s work “changed Contract Law scholarship forever. They made the first sustained law and economics analysis of Contract Law. Their work treated every important subject in the field with insight, thoroughness, and creativity. The research agenda for the law and economics of contract is largely their agenda, and just about everything that has been written since they began bears the mark of their influence.”

“Law and Economics has a very powerful way of explaining certain things,” says Scott. “It deals with incentives and how people’s behavior is influenced by carrots and sticks, so to speak, and within certain arenas it allows us to understand simple notions like deterrence and subsidies.”

Scott doesn’t pursue this theoretical approach for its own sake. He puts it to work in the minds of his students so that they can leave the Law School with a practical understanding of the likely effect of the advice they will give their future clients.

“My whole sh*tick is that theory works,” he says, “If you understand better how people behave and how the law affects their behavior, you will be able to predict better how a court is going to decide the next case. What the Legal Realists essentially made clear to us is that there is a river underneath the legal doctrine and you have to understand what’s driving the legal rules. Then you need to translate your intuition into the language of the law. You have to be a good linguist so that you don’t throw around jargon that academics may use in their law review articles and expect the judge to understand it. But those concepts are powerful because they explain so much.”

Some critics argue that adherents try to extend Law and Economics principles too broadly. According to Scott, that’s a fair point, but “in the areas that comprise business law, Law and Economics has emerged as the dominant mode for analyzing legal problems.”

“Law and economics is often criticized for taking economics into areas it doesn’t seem to belong,” adds Triantis, “but I think that’s the nature of the academic exercise. Just because it doesn’t work in some area doesn’t mean it was a mistake to try it out.”

Prior to the work of Scott and Goetz, first-year contracts courses taught the basic rules that governed transactions between parties, but not necessarily the reasons underlying them. “There were a lot of people in law schools during that time who were hostile to Law and Economics” says Goetz. “They attacked it as a laissez-faire, grinding-the-faces-of-the-poor kind of analysis, which is not true at all. There were people who thought we were letting the devil in through the back door.”

Over time, the simple power of the analysis gained converts. “Before, you learned the rule, but nobody told you why the rule was the way it was,” says Goetz. “One of the things that began to happen is that people started using these principles in first-year contracts classes, at least the people who followed Law and Economics at the University of Virginia. Now, I think it’s become pretty widespread and accepted.”

The festschrift last fall was an acknowledgment by leading scholars that Goetz and Scott are seminal figures in a movement that flourished early at the University of Virginia and has since grown here as the source of its continuing intellectual drive.

According to Triantis, “the strength of the Law and Economics tradition at Virginia is not limited to the people who are currently here, but also former colleagues who have moved on to other schools and have continued to distinguish themselves. There is this ‘diaspora’ of Virginia Law and Economics scholars that we’re very proud of.”

“Just look at some of the data,” adds Scott. “You go to a law and economics workshop at any other law school and you’ll get five or six professors and some students. Every one of the law and economics workshops that George Triantis runs here will have 16 to 20 professors. So, just in terms of the numbers of people who are using this as their scholarly framework and are serious about it as academics, our leadership is undisputed. Then if you look at the faculty who are here, and put that together with the faculty who learned their game here and have now gone to Chicago, Harvard, Yale, Penn, NYU — and the list goes on — I just don’t think there is any doubt that the University of Virginia has been the academic breeding ground for both the first and second generation of law and economics scholars. I think it is undeniably the best. Or, to put it this way: Virginia is second to none.”
Scott: 30 Years Collaborating with Students

FROM THE MOMENT HE STEPPED ON “stage” at William and Mary Law School, Bob Scott knew that he was meant to teach. He could at once bring to students the enthusiasm with which he researched his ideas about the law while revealing a side of him that introverts rarely find a chance to do.

“It’s fair to say that there is a bit of a performer in me, as there is in many teachers,” he says. “It’s not a well known fact, but most law professors are somewhat shy and introverted and I’m no exception. You enjoy those environments where you are permitted to show parts of your personality that might not emerge in other settings.”

Fortunately for the University of Virginia, several years later Scott brought his teaching skills to the Law School. In just a few years, he would make his mark internationally as one of the founding scholars of the Law and Economics movement (see accompanying article), but his skill here at the lectern was evident from the beginning. A perennial favorite with students, Scott’s teaching success comes from his intuitive ability to gauge the depth of his students’ grasp of the issues, and to bring them along accordingly with a carefully calibrated Socratic approach. “The important part about law teaching is to remember that your students are learning a skill by observation as much as by participation,” he says. “Only by imagining that you are in the middle of that dialogue — even though you are not being called on at that point — can you practice those skills yourself. This means that the teacher must hold the attention of the entire class even while engaging only a single student in discussion.”

Scott tells his students at the beginning of every new class that theirs is a collaborative exercise where he needs to ask good questions to elicit from them intelligent answers. “I use the tennis pro metaphor,” he says. “If I didn’t know how to play tennis, I would take a lesson from a pro, but if he is hitting forehands and backhands into the corners of the court where I couldn’t possibly reach and some friends came along, they wouldn’t say that I can’t play tennis. They would say, you need to get another pro. So clearly, the professor has to be skilled at asking questions that elicit the right kinds of
responses and then be able to adjust his or her questions to the student’s responses to make the discussion progress.”

When Scott’s class responds to his efforts, Scott feels a “sense of excitement that builds collectively when they reach for and then achieve insight and understanding … I have never gotten over the high of observing and participating in that awakening of students.” But when a class founders, and fortunately that is not often, Scott takes it personally. He prepares diligently, but nevertheless, at times Scott walks into his office after a bad class and “I put my head down on my desk and pound the desk in frustration at how poorly I’ve done. But I think that when I can show them that this is an important effort for me and that I’m trying as hard as they are to reach a resolution that everybody understands and appreciates, it makes them feel a little better about the experience.”

Scott feels he is part of a strong teaching tradition at the Law School, distinguished for the way it brings together faculty scholarship and the classroom experience. “We teach what we write, and we write what we teach,” he says, and he has always used the classroom as a laboratory for his ideas about law. “As I work through my ideas about Contracts or Commercial Law, I try them out on my students. I’ve always thought that if I can’t persuade my students that my scholarly arguments have currency, that they are a useful way of thinking about whatever the problem is, I’m certainly not going to be able to persuade my academic colleagues when I write a law review article about it.” For Scott, receiving the Harrison Chair has special significance. “It’s an important affirmation of my colleagues’ faith in my ability to be a contributing member of the academic community for years to come. Second, it’s important because of my very close and long-standing relationship with David Harrison and his family.

“We became friends almost from the moment I became Dean — good friends — and he was a remarkable man. His decision to invest in the Law School — and that’s exactly what it was, as he was an investment banker — was not a quick one. It was not done simply because he had a lot of money and was a graduate of the Law School. David was very strong in his judgments, interested in other people, interested in ideas, interested in quality. By the time he retired, he had accumulated a lot of wisdom and judgment. He was a no nonsense person. I came to realize that he was getting to know me and that it was an evaluative process. He was deciding if this was someone whose management he could trust in making his investment.”

Clearly, given David Harrison’s generosity toward the Law School, he learned to trust Bob Scott completely. In that regard he was not unlike the generations of Virginia students who have trusted and admired him as a master teacher.
MIGHT BE IN THE MIDDLE OF THE NIGHT, or after a conversation with a colleague. It might arrive with the morning paper, or during a professional workshop. Professor Glen Robinson really can’t say how, or what, will trigger his mind to uncover some anomaly in the law that cries out for explanation. But when it happens — and it does so at a feverish pace, according to his colleagues — his intellectual flexibility lets him probe widely to find the answer. In an age of increasing specialization in both the academy and the legal profession, Robinson stands out as a nimble scholar adept at using the tools available in any variety of methodologies or movements to get his answer.

Though known for his work in communications and administrative law, Robinson resists being typecast as such. In law, Robinson has found fertile ground for scholarly inquiry, and doesn’t let his relative unfamiliarity with the nuances of a subject daunt his enthusiasm.

“Glen is very productive, incredibly interesting and energetic, and interested in the power of ideas,” says Law Professor Daniel Ortiz, a colleague who has worked and taught with Robinson for many years. “He has an almost childish enthusiasm — which is really wonderful — about exploring new areas, applying new methodologies to old problems, and thinking across boundaries. He does all of that very well.”

“One of the things I enjoy about the law is that I like all of it,” says Robinson. “I really enjoy it when somebody presents a paper in, say, criminal law, or evidence law — neither of which are my fields — and has an interesting way of looking at an issue. Essentially, I like the puzzle when somebody asks why is the law like this, or why isn’t it like that? The idea is to answer the puzzle, but I also like it sometimes when you can’t. For me, it’s the puzzle, more often than the answer, which engages my attention.”

Beyond his expertise in communications law and administrative law, Robinson has taught and written extensively in a number of fields, including antitrust, property, and torts. He currently teaches antitrust, Internet law, communications law, and property. Robinson has written five books, including *The Administrative Process* and *American Bureaucracy: Public Choice and Public Law*, as well as 46 articles, book chapters, and reviews.

“Glen is one of those scholars with a certain quirky intelligence who is interested in the satisfaction that comes from figuring something out, having an interesting idea, seeing where something leads you,” says Ortiz.
“Sometimes it’s a little more difficult to build a reputation that way because you can be seen more as a jack of all trades, but Glen has overcome that.”

Robinson graduated with honors from both Harvard University and Stanford Law School. He joined Covington and Burling after graduating from Stanford in 1961, and worked there until 1967, primarily on communications law. His experience there pushed him into a new career direction that he had been contemplating for some time.

“Glen is one of those scholars with a certain quirky intelligence who is interested in the satisfaction that comes from figuring something out, having an interesting idea, seeing where something leads you.”

“When I arrived at my law firm they assigned me communications law and I did that for the better part of four years,” he says. “I actually didn’t like it; a lot of our work was filling out license forms. We represented broadcast stations while the industry was fighting in a desperate struggle to suppress cable television. I was in the thick of that, but I just didn’t like the kind of work we were doing. I thought our clients tended to be on the wimpy side, always whining about cable television. I left to go into teaching — which had always been in the back of my mind.”

Robinson joined the faculty at the University of Minnesota in 1967 and taught there until President Richard Nixon appointed him as a commissioner of the FCC in 1974. He served there for two years, and then joined the Law School faculty in 1976. His experience with the FCC taught him a great deal about the Washington bureaucratic maelstrom, and he appreciated the high contrast between that environment and the quiet scholarly enclave of Charlottesville.

“When you’re in Washington,” says Robinson, “you always feel like you’re in the center of a whirlwind of action. Coming down to Charlottesville brings a different sense. You don’t feel like you’re part of that whirlwind at all, but there is a different kind of intellectual excitement about this place. Virginia really is an intellectual powerhouse, and I just like that stuff. The academic environment here is as good as anywhere, and from what I’ve heard it’s better than the other top law schools in terms of a sense of academic community. People are around a lot and they are very supportive. I have wonderful colleagues. Good atmosphere. Good sense of academic values.”

“I had a great deal of fun at the FCC … I would have stayed on but I had an offer to come here and it was too good an opportunity to pass by,” he continued. “But for those two years it was very exciting. A lot of things were happening. There was competition coming into the telephone world for the first time and AT&T was very exercised about it. There was a lot going on in the broadcast world. Multiple ownership rules were before us. Cable television was emerging — struggling to emerge — but emerging. There was always somebody outside the door. They were ubiquitous.

“Once Robinson left the FCC, he realized communications law had become an interesting field in its own right, unlike his days at the University of Minnesota when it had never occurred to Robinson to teach it as a separate subject. He began teaching administrative and communications law at the Law School and since then, communications law has become increasingly complex with the explosive growth of cable, wireless telephony, and the internet. The First Amendment figures prominently in almost every application.

“When I first got into the business,” says Robinson, “the First Amendment played a relatively small role in the area of regulated communications. People thought that regulation almost displaced the First Amendment. You had regulation or you had the First Amendment, but not both. But the way it is now, the First Amendment gets dragged into every dogfight over rate regulation, service regulation, telephone carriers. Everybody in the communications business has a First Amendment claim no matter how little content they control. So, on those grounds, they quickly evoke the First Amendment as a shield and in a lot of those controversies, it just doesn’t fit.”

In 1979, Robinson took a leave of absence from the Law School after President Jimmy Carter appointed him to serve under Deputy Secretary of State Warren...
Christopher as Ambassador and U.S. Representative to the World Administrative Radio Conference in Geneva. He led a team of over 100 lawyers and engineers that negotiated an international spectrum treaty for the International Telecommunication Union of the United Nations. The treaty involved allocating broadcast frequencies to the global community. He traveled and negotiated throughout the world and had a ringside seat on the arcane maneuverings within the diplomatic corps. “I watched from the inside the process of creating diplomacy. At any given time, the state department is filled with ambassadors running around looking for assignments. An awful lot of people didn’t know what to do; a lot of people who had returned from assignments abroad were waiting for another one. And the State Department is extraordinarily bureaucratized. For me to send a message to Warren Christopher, it had to be specially formatted, cleared by a half dozen different bureaus, and go through three or four assistant secretaries for their approval. It was unbelievable.”

Not trained as a diplomat but expected to act as one, Robinson found himself in the midst of some of his oddest moments: mediating between the North and South Koreans over the usage of call letters with symbolic overtones; announcing at a conference with the Soviets that we didn’t recognize their casting a vote for Lithuania. “I was instructed to actually make the announcement at a committee meeting. I told the Soviet delegate beforehand that I was going to have to say that, and he gave me a puzzled look — he was not really a diplomat, either — and said, ‘but … we wouldn’t say that about Utah!,’” recalls Robinson, laughing about it. “You got me, I thought. It turns out it was longstanding policy going back to the fact that there were a lot of Lithuanians in Chicago who had never quite accepted the fact that they were part of the Soviet Union.”

Robinson returned to the Law School in 1980, diving into his scholarship at a prodigious level of productivity. His inquisitive mind never seems to slake its thirst, and he pursues legal puzzles with zeal. But his is not an obsessive quest at the exclusion of his deep sense of community. He gives back as much as he takes from the academic environment. “Glen is extremely valued within the faculty,” says Dean John Jeffries. “He is a senior guy and frankly most people in law teaching at that age are doing what they’ve always done. Most are drawing down on the intellectual capital they have invested over the years. Glen Robinson is singular, if not unique, in his continuing scholarly activity and his continuing intellectual ambition. Glen has learned new subjects — he now teaches internet law — and new technologies. He is still growing. He is active in our faculty workshops. He is active in helping junior faculty with their scholarly projects. He is a model citizen and a key member of the intellectual community.”

Dan Ortiz agrees. “It’s seldom that you find that kind of continuing enthusiasm from someone who has been at any line of work for a long time, and he’s a model for all of us. And it’s not just that he’s still enthusiastic, but that he’s still coming up with new ideas.”

A tall, slender man with a ready laugh, Robinson looks back at his life’s work with humility, but forward to his next insight with eagerness. In many ways, he seems to live for the intellectual moment, appreciating his past work with at best a sense of ennui as he waits for the next inspiration.

“Sometimes in the quest for originality, you play the notes differently but they don’t necessarily make music. They’re just different and the scholarship can be flat. To get it right, you not only have to play the notes differently, you have to play them in a way that makes some sense. When that happens, it’s very exciting.”

As a recipient of a Harrison Chair, Robinson feels both a strong sense of responsibility and a deep gratitude for his colleagues and the Law School. “You always wonder with something like this why you received it. There are so many good professors here, but every prize is like that if you have a decent amount of modesty. My colleagues have been extremely supportive, and I couldn’t have had a better succession of deans: Emerson Spies, Dick Merrill, Tom Jackson, Bob Scott, John Jeffries; they have all treated me better than I would have any reason to expect. So, looking back at my career, boy did I ever make the right decision to come here. I’ve never had any second thoughts. I’m enthusiastic. I’m a booster about this place and always will be.”

("David and Mary Harrison Distinguished Professors of Law")
HEN YOU TALK WITH TED WHITE ABOUT historical figures, he often uses the present tense. “Alice, Henry, and William James are exchanging letters bad-mouthing Justice Holmes in the 1880s,” White says. “Alice has an 1889 journal entry, ‘H. writes that he has received an affectionate!!! letter from Wendell Holmes, a marvel explained by his near arrival in London. They say he has entirely broken loose and is flirting as desperately as ever.’”

“When I first came upon the exchange,” White continues, “I thought that Holmes pretty much deserved what he got. But now that I know the Jameses better, I’m a lot more sympathetic to Holmes.”

The story not only illustrates the way that White can immerse himself in the past, but his abiding curiosity about what makes people tick and how they are perceived by others. Those qualities have shaped his scholarship. Since the early 1970s, White has sought to use history to challenge the view that law is simply a mirror of society, an enabler of its political and social agenda. White argues that law’s relationship to society is far more complex. To illustrate that view, he has focused on the intellectual history of leading American judges and legal scholars, and on the connections between their jurisprudence and the cultural setting in which they worked.

White sees the relationship of law to society as “a constantly changing interplay between the dominant ideas and attitudes of legal culture and factors in society at large.” He is interested in why lawyers, judges, and legal academics have come to believe in certain social ideals at various times in history. He is also interested in why some lawyers and judges have become famous, and others have remained obscure.

A key element of White’s approach is the debunking of “progressive historiography” (historiography being a generic term for the methodologies historians use to study their subjects). As White uses the term “progressive,” it does not refer to a political agenda, although many of the historians he associates with a “progressive” perspective have tended to be on the political left. By “progressive,” White means an approach to historical scholarship which assumes that history is a progression of events through time, inevitably leading to a future that is qualitatively better than the past. “Many ‘progressive’ historians believe that because the future is an improvement on the past, it is useful to project the
central political issues and concerns of the 20th century — the century in which modernity came into being — back into the past.” The historian looks for historical events that foreshadow present day legal and cultural developments. In the process, a progressive historian tends to characterize historical events with reference to current contemporary issues.

White received his B.A. from Amherst College and his Ph.D. in American Studies from Yale University. Rather than pursuing an academic career as an assistant professor of American Studies or history, he chose to attend Harvard Law School. “I was apprehensive about a career in liberal arts teaching,” White says, “mainly, in retrospect, because I was 26 years old and didn’t want to join the mature work force.”

During his second year in law school, Yale University Press published his dissertation, *The Eastern Establishment and the Western Experience: The West of Frederic Remington, Theodore Roosevelt, and Owen Wister*. This brought him to the attention of Harvard faculty, who invited him to join some discussion groups in legal history. By his third year White had decided to pursue a career in law teaching, hopefully specializing in American legal and constitutional history. “It was a somewhat quixotic plan,” White says. “None of the major law schools was interested in legal historians at the time.”

In 1972 White joined the Virginia law faculty after a clerkship with Chief Justice Earl Warren of the Supreme Court of the United States.

Since that time, White’s 11 books have won numerous honors and awards, including final listing for the Pulitzer Prize in history, the Silver Gavel Award from the American Bar Association, the Littleton-Griswold Prize from the American Historical Association, the James Willard Hurst Prize from the Law and Society Association, the Scribes Award, and the Association of American Law School’s Triennial Coif Award.

“Ted illuminates everything he touches,” says Law Professor Barry Cushman ’86, White’s colleague and also an expert in constitutional history. “He’s a wonderful writer. He has a great gift for exposition and keen insight into interesting people and the inner lives that shape their public actions.”

Cushman sees a “a counter-progressive edge” to White’s work in that he shows that law “can be taken seriously as an intellectual discipline that is not merely an extension of partisan politics.” In other words, in order to understand constitutional development one must patiently reconstruct the intellectual histories of the prominent individuals who have shaped it. It is in exploring these “questions of individual intellectual biography … that Ted really shines,” says Cushman.

In an effort to minimize the projection of his own biases, explicitly or implicitly, into his scholarly evaluations, White employs an approach to historical scholarship that experiments with methodologies that seek to fuse the past with the present without losing sight of the fundamental differences between those time segments. “I really don’t study history for its own sake,” says White. “I study history for the same reason I like to travel. It’s a projection into another world. It’s a way of getting perspective on one’s own world, particularly hot button contemporary issues. Sometimes it’s helpful to detach oneself from the present, but I’m always doing it with the present in mind.”

To White, studying the methodology historians use is perhaps even more interesting than the history itself. “It’s conventional wisdom among historians,” he says, “that it’s bad for a historian to take a present perspective and project it back on the past. In one sense this is obviously correct. People in the past don’t think the same way that we do. Their mindset is not the same as ours. If we go back there and try to make them into us, then we’re making a mistake.” But there’s more to it than that, White adds. “As present actors, we can’t avoid projecting our concerns onto the historical record. All one has to do is to match up contemporary issues with the tendencies of historical scholarship at any period in time to see the projection phenomenon. I’m very interested in the
technique of avoiding too crude a projection of present concerns while at the same time writing history that has some contemporary bite. I experiment with my own approach a lot. I like to move around in time, and I like to move around in emphasis, because I think that not only keeps me from getting stale and predictable, it keeps me self-conscious. It's also just more fun.”

White’s methodology has led him to bring a fresh perspective to many historical figures and topics, including Oliver Wendell Holmes, Jr., Earl Warren, John Marshall, Alger Hiss, Felix Frankfurter, Louis Brandeis, the New Deal, and even baseball. “I’m trying to write books with shelf life,” he says. “I’m trying to avoid writing books that are just responses to contemporary issues, and thus reflect a point of view that quickly becomes out of date. I want my books to be around for people to draw upon for many years. The hope of some of my revisionist work is that it might end up becoming conventional wisdom, even though ‘contemporary wisdom’ doesn’t endure indefinitely.”

A good example of White’s technique will be seen in his new book on Alger Hiss, Alger Hiss’s Looking-Glass Wars, scheduled for release next spring. In 1948, Whitaker Chambers, a senior editor at Time magazine, appeared in front of the House Un-American Activities Committee and accused Hiss, a Harvard law graduate and former clerk for Chief Justice Oliver Wendell Holmes who held several key positions in the New Deal administration, of being a communist spy. The accusation poured gas on a simmering flame of American fears about the communist threat, and it exploded on to the front pages, leading to one of the most sensational criminal trials of the 20th century. Hiss was convicted, and spent nearly five years in jail. When he was released, he began an aggressive campaign designed to convince the world he was innocent. It was largely successful, but in the late 1990s, after the fall of the Soviet Union, a combination of classified U.S. and Soviet intelligence documents clearly identified Hiss as an agent for Soviet military intelligence.

In the book, White attempts to re-engage with the mind, and the times, of the historical figure he is researching. In this instance, he starts with the premise that Hiss is indeed guilty, and that his long public campaign to prove himself innocent was a grand deception. White then asks why did Hiss engage in so conspicuous a campaign to vindicate himself, one that would invite others to closely scrutinize his life and career, and possibly to expose him. He also asks why Hiss’s campaign, which resulted in ABC television’s erroneously reporting, on Hiss’s death in 1996, that he had been cleared of all charges of spying for the Soviets by Russian President Boris Yeltsin, was so successful.

“From 1948 until 1996 when Hiss died,” White says, “almost none of the information successively released about him was helpful to his cause. Most of it was really quite damning. Yet in 1992 a great many media announced that the Russians had cleared Alger Hiss, and in 1996 ABC Television News repeated that conclusion. Both the 1992 and 1996 reports about Hiss were completely erroneous — Hiss had not been cleared of espionage charges, and the Russians had not cleared him. I thought, how do you explain this?” White’s book explores this massive gap between the facts of Hiss’s life and the conclusions many people came to draw about him. He also paints a portrait of a very complex man who “was extremely successful at being a spy and in deceiving others about it. Hiss liked keeping secrets and he liked being in control, and he was a dedicated ‘true believer’ communist. He thought that by lying about his secret work he was being loyal to all those who shared his ideals, and to all the people who believed in his innocence. Even though he knew their belief in him was an illusion, he didn’t want to let them down.”

It is scholarship of this kind that has brought White so many awards and a national reputation as one of the foremost experts in American legal and constitutional history. Now, he has been honored as one of the David and Mary Harrison Distinguished Professors, the Law School’s most prestigious Chair.

“It’s a big thrill,” he says, “primarily because I’ve been at this institution for a long time and there have been times when I haven’t been completely sure that the sort of work I was doing was at the center of what my colleagues valued. The Harrison Chair is an implicit statement that even though I rarely do work that is explicitly about contemporary issues, and I write books that aren’t as conveniently packaged as law review articles, somehow my work has engaged my colleagues. That’s the nicest part, this internal recognition. I love this institution: I can’t imagine a better place to have a job in law teaching. The Harrison Chair comes at a time in my career when I would like to think that I have a lot of productive time ahead of me, so I can try to pay the institution a little back for the honor.”
Class Notes

Send Us Your News

Tell us the important things that happen in your life! We welcome submissions for inclusion in Class Notes. Online, submit them at www.law.virginia.edu/alumni; E-mail them to lawalum@virginia.edu; mail them to UVA Lawyer, University of Virginia School of Law, 580 Massie Road, Charlottesville, VA 22903; or fax them to 434/296-4838.

Please send your submissions by December 15, 2003, for inclusion in the spring issue.

1948
Charles Houchins writes he is enjoying retirement in his Chicago-area Arlington Heights community.

1952
The Robbie Robinson Award, presented to a member of the legal profession who has demonstrated dedication to the principles of service to individuals and of advancement of the legal, political, social, and civil rights of the citizens of the Savannah (Georgia) Community, was awarded to Alan Gaynor, a partner at Bouhan, Williams & Levy LLP.

1953
E. Barrett Prettyman, Jr., has been appointed by the Chief Justice of the United States to become Chair of the Supreme Court Judicial Fellows Commission for 2004.

1957
Dean McCormac is still hard at work at Jit Precision Machining, Inc., in Syracuse, NY. He makes “whatever the customer wants.”

Benjamin Allston Moore, Jr., is still practicing and enjoys it more than ever (along with fishing, hunting, and tennis).

1958
Bayard Z. Hochberg retired on June 30, 2002.

In summer and fall 2000, Peter K. Leisure presided over two companion cases brought by human rights organizations and numerous victims against Serbian Gen. Radovan Karadzic for Bosnian war crimes committed by his Serb military forces in a campaign of torture, murder, rape, and “ethnic cleansing.”

Herbert Glickman retired after 23 years as a Superior Court Judge (NJ) and is now of counsel with Cutler Simeone in Morristown, NJ, specializing in mediation and arbitration of family related matters.

Larry Philips is heading abroad again — Istanbul for a wedding and a tour of the Turkish coast, then Rome and up to Pietrosante, where he has a studio.

Syd and Noel Settle traveled from Palm Beach this spring to visit the Corses in Jacksonville for a “mini-reunion.”

George Vlassis continues his practice in Phoenix and is in good health.

Frank Stewart will return to Charlottesville this fall to teach a seminar in Arbitration and Mediation.
1960
An article in Charlottesville’s *Daily Progress*, hailed John P. Ackerly III for his “spirit of service.” Ackerly finished his five-year tenure as UVA’s rector in March. “There is no finer gentleman than Jack Ackerly. I found him a great leader,” noted Elizabeth A. Twohy, a member of the Board of Visitors since 1995, the same year Ackerly was appointed. Another member of the board, William G. Crutchfield, Jr., said, “Jack is a consensus builder. He really tried to bring out the best in the board.” Ackerly serves as a partner in Troutman Sanders LLP in Richmond, VA.

Charles H. Osterhoudt reports he enjoyed a recent trip to Tuscany.

1964
Fred Fielding is senior partner with Wiley, Rein & Fielding. He recently spoke on “The ‘Politics’ of Presidential Appointment of Judges” at UVA’s Miller Center. Fielding served with Harold Tyler as members of a Miller Center Commission on the selection of federal judges.

1965
William S. Tucker, Jr., has moved to Charleston, SC, and plans to retire at the end of the year.

1966
Theodore S. Halaby has been elected Chairman of the Colorado Republican Party.

1968
Washington, D.C., managing Partner Michael McGarry III along with fellow partners and associates at 900-member Winston & Strawn are commemorating the firm’s 150th anniversary with a yearlong series of “Opportunities Through Education” public service projects for communities where it has offices. One such project is the creation of workshops that will provide enhanced educational opportunities for District of Columbia Public Schools teachers and students. In

1961
Virginia Beach attorney Barry Kantor, a partner in Christie, Kantor, Griffin & Smith, PC, was included in the 2003–2004 edition of *The Best Lawyers in America*. He has been included in each edition since 1989. The book lists the top one percent of the lawyers in the country.

Ronald W. Dougherty is the current President of the Ohio State Bar Foundation Board of Trustees. Dougherty is a Life Fellow of the Foundation and a longtime Board of Trustees member. A partner at Krugliak, Wilkins, Griffiths & Dougherty, Co., L.P.A., he also serves as general counsel to the Pro Football Hall of Fame. Dougherty received the 2002 Award of Merit for Community Service from the Canton (Ohio) Regional Chamber of Commerce.
addition, the firm will sponsor the construction of a playground this summer in a "child-rich and playground-poor" section of the city with the exact location to be determined at a later date. Other initiatives include diversity scholarships and a pro bono commitment requesting all attorneys to pledge a minimum of 35 hours of pro bono work during calendar year 2003.

1969

Tom Carr writes that he’s now with McManus, Schor, Asmar & Darden in Washington, D.C.

David R. Percy (LL.M. ’96) became Dean of Law at the University of Alberta in Canada for a five-year term beginning July 1, 2002. In 2001 he worked for the U.N. Food and Agriculture Organisation based in Rome on a project involving Water Law and Aquaculture in five African countries and in 2002 he worked as a consultant for the FAO in Namibia. (David requested his news appear in both the J.D. and LL.M. sections, as he had many friends in the Class of ’69.)

1970

Vincent J. Poppiti, Chief Judge of Family Court for the State of Delaware, has joined Blank Rome LLP as Partner in the firm’s Litigation Practice Group. Poppiti is based in the firm’s Wilmington office and concentrates his efforts on growing the firm’s nationally recognized matrimonial and alternative dispute resolution practices. "After having now reached a point in my career where I have accomplished many of the personal and professional goals I set forth for myself years ago, I have made the decision to join Blank Rome in order to pursue public service in a new way, fighting hard now for individuals as an advocate after having advocated for victims for so long," said Poppiti. The former judge also holds the positions of Chair of the Domestic Violence Coordinating Council and Co-Chair of Fatal Incident Review Team in Delaware.

1971

Thomas A. “Tad” Decker, an attorney and managing partner at Cozen O’Connor, has been appointed by Pennsylvania Governor Ed Rendell to serve as a commissioner of the Delaware Port Authority. Decker concentrates his practice in general corporate law with an emphasis on mergers and acquisitions, corporate governance, and alternative dispute resolution. Decker currently serves on the Business Advisory Council for the Law School, the board of directors for the GESU School, and the YMCA of Philadelphia and Vicinity.

Bryan Cave LLP Partner Stephen M. Dichter has been elected to the Arizona State Bar Board of Governors. The Board is the governing body of the State Bar, a nonprofit association that regulates the legal profession under the supervision of the Arizona Supreme Court. Dichter is a trial lawyer, emphasizing white-collar criminal defense and commercial litigation.

Edward B. Lowry, a principal in Charlottesville’s Michie, Hamlett, Lowry, Rasmussen & Tweel, LLC, has become a Fellow of the American College of Trial Lawyers. Lowry concentrates his practice in the areas of commercial litigation and securities arbitration. Fellowship in the College is extended by invitation only, and only after careful investigation, to those experienced trial lawyers who have mastered the art of advocacy and whose professional careers have been marked by the highest standards of ethical conduct, professionalism, civility, and collegiality. Lowry was president of the Virginia State Bar, was co-chair of the Southern Conference of Bar Presidents, and is a past president of the Charlottesville-Albemarle Bar Association.
1972

Thomas J. Igoe, Jr., was elected as chairman of Thelen Reid & Priest LLP effective April 1. “Our firm is strong and thriving, despite the economic landscape,” said Igoe, who works in the firm’s New York office. Igoe has served as the firm’s vice-chairman, as a member of the firm’s executive committee and partnership council, and as a chair of the Corporate Governance Group. His practice emphasizes corporate governance, corporate finance and securities, federal regulation of utility and energy companies, and mergers and acquisitions.

1973

Paul Hurdle has joined the Washington, D.C., firm of McKee Nelson LLP, and his son Paul is a student in UVA’s College of Arts & Sciences.

Marshall Smith writes, “Alas, I still haven’t written a book.” But he has been working as General Counsel to Brunswick Corporation. He further writes he is “enjoying life, remaining grateful to the Law School for what it’s done, and enthusiastic for what it is doing.”

1974

Alfonso L. Carney, Jr., was recently elected as a member of the University of Virginia Law School Foundation Board of Trustees in May. Carney is Vice President and Associate General Counsel for the Altria Group in New York.

Frank A. Thomas III was chosen as the president of the Virginia Bar Association for 2003. Thomas, who is a partner in the law firm of Shackelford, Thomas & Gregg PLC in Orange, VA, is a “triple graduate” of the University, where he received his B.A., M.A., and J.D. degrees. Thomas chaired the VBA Wills, Trusts and Estates Section from 1997–1999 and is a past chair of the Virginia State Bar Trusts and Estates Section. He is also a member of the VBA Taxation Section. Thomas is also a Fellow of the American College of Trust and Estate Counsel, a Fellow of the American Bar Foundation, and a member of the American Bar Association.

Kevin Walsh, a partner in the New York office of Kelley Drye & Warren LLP is a contributing author (Investigation of Case and Use of Experts) in Preparing for and Trying the Civil Lawsuit, Second Edition.

1975

Michael J. Horvitz is the President of the University of Virginia Law School Foundation Board of Trustees. He is of counsel and a former partner in Jones Day’s Cleveland office, and focuses on the areas of tax and personal planning. He is also chairman of the trustees of the H.R.H. Family Trust.

Jack W. Bettman is Chair of the General Practice, Solo, and Small Firm Section of the Florida Bar. He is past President of the Phi Beta Kappa Alumni Association of Northeast Florida. Bettman and his family live in Jacksonville, where he can be reached at 5150 Belfort Road, Bldg. 100, Jacksonville, FL 32256 or at jaxlegal@aol.com.

David L. Mulliken was elected to serve as Chairman of the Executive Committee of the University of Virginia Law School Foundation. Mulliken is chairman of the Environmental Department at Latham & Watkins in San Diego, CA.

1976

Fred Lyon has recently relocated the offices of The Lyon Firm, P.A., in Winter Park, FL, where he continues to practice construction and energy law and mediation. He was chosen by World Generation magazine as a member of its Class of 2003 honoring outstanding leaders in the energy industry. He also is pursuing a Masters of Liberal Studies degree at Rollins College where he is concentrating his studies on Dietrich Bonhoeffer and Albert Camus and their responses to evil.
Mike Wallace argued a case in the U.S. Supreme Court in December 2002. He represented the Mississippi Republican Party in a congressional redistricting dispute. “I did not have any trouble cheering him on,” said his Democrat-law partner Luther Munford, “because he was arguing for the supremacy of the federal government.”

1977

E. Tazewell Ellett, of Alexandria, VA, was voted president-elect of the Virginia Bar Association. Ellett, who chaired the VBA Board of Governors in 2002, is a partner in the law firm Hogan & Hartson, LLP, where he serves as administrator of the firm’s aviation group and is a member of the firm’s legislative group.

David A. Logan has been appointed Dean and Professor of the Roger Williams University Ralph R. Papitto School of Law in Bristol, R.I. Logan arrived in Rhode Island from Wake Forest University’s School of Law, where he taught for more than 20 years. His areas of teaching and research expertise are Professional Responsibility, Torts, and Mass Media Law.

Bracewell & Patterson partner Thomas Melo of Houston has been ranked in Texas among Chambers & Partners’ America’s Leading Business Lawyers 2003–04. Melo, who was noted for his work in employment law, is head of the firm’s Labor & Employment Section. Bracewell & Patterson maintains 11 offices in Texas; Virginia; Washington, D.C.; London and Kazakhstan. The law firm is one of the largest in Texas, employing more than 350 attorneys.

1978

Christopher Scott D’Angelo was an organizer and the moderator of the seminar, Law and the Media in a Bad Publicity Case, presented at the 2002 Annual Meeting of the International Association of Defense Counsel. The program addressed what to do and what not to do with regard to the media in a case with the potential for bad publicity. D’Angelo is a partner in and Chairman of the Products Liability and Toxic Torts Section of the Litigation Department at Montgomery, McCracken, Walker & Rhoads, LLP, based in Philadelphia, PA. His practice emphasizes business, class action, intellectual property, and products liability counseling and litigation, including his role as national counsel for several major U.S. clients and his representation of foreign concerns in the United States and United States concerns abroad, as well as litigation and other matters in the probate courts or involving estates and trusts. D’Angelo is a member of The American Law Institute, and participated extensively in the creation of the Restatement (Third) of Torts: Products Liability. D’Angelo is a frequent speaker and author on law-related matters. His presentations have involved such topics as business and products liability litigation, multi-national litigation, information and documents management, issues involving the internet and the use of the internet in litigation, and estates and trusts.

Mark Duvall is working for Dow Chemical in Midland, MI. He writes that he regrets missing reunions. His daughter, Amy, is now a sophomore at the University of Michigan, and his sons Sam and Tom are a senior and sophomore at Dow High School. His wife Laura is on the board of the Midland Symphony.

Mitchell J. Kassoff (franatty@concentric.net) has had his article, Should a Franchise Holder Be Allowed to Continue Operating While a Termination Suit Is Pending, published in the January 2003 New York State Bar Association Journal. Access his other articles at: www.concentric.net/~Franatty/curricul.htm. Kassoff’s practice includes all aspects of franchise law on a nationwide basis, with offices in New
Jersey and New York. He is also a tenured Professor of Law and Taxation at Pace University in New York. Kassoff’s daughter, Sarah, graduated from UVA in May, while his son, Jonathan, is matriculating at UVA in September.

Wendell G. Large was inducted as a Fellow in the American College of Trial Lawyers at its spring meeting. Wendell continues to practice in Portland, ME, where he is a Director and Shareholder with Richardson, Whitman, Large & Badger.

Frank Morgan has been named President & COO of Coller Capital, Inc., the U.S. subsidiary of a global private equity investment firm based in London. Coller Capital’s last fund closed at $2.6 billion, the largest secondaries fund ever raised and is currently evaluating a number of investments, primarily in the U.S. and Europe. Frank co-taught a seminar session at the Law School on corporate venture capital with Professor April Triantis last spring.

Joseph W. Ryan, Jr., was recognized for “#1 Defense Verdict of the Year” and “Most Significant Defense Verdict” of 2002 by the National Law Journal. Ryan is a partner in the firm Porter Wright Morris & Arthur LLP, in Columbus, OH. He and Patricia A. Screen ’85 headed the defense team that won the case Chang v. Cleveland Clinic Foundation, Raina Krell, M.S. and Scott Strothers in Cuyahoga County Common Pleas Court last October. Each year, the National Law Journal compiles a list of the most significant courtroom victories. “We are obviously very pleased with the outcome,” said Ryan. “Ms. Krell is a talented and committed therapist who gave her client excellent care. Although it was a challenging case to defend because of sympathy for the girl’s family, we are very proud to have achieved a just result on behalf of our client.”

1979

H. Elizabeth Kelley writes that the entire family (two lawyers, three children) went to Vienna for New Year’s. Four of them went to France’s Loire Valley for spring break. The oldest child, Anne, thrives as a sophomore at St. Andrew’s School in Delaware. The family’s middle child, Parham, went with her eighth grade class at Avery Coonley School to Quebec. The youngest, John Matthias, will enter sixth grade this September at Papplewich School, in Ascot, England.

David Markell joined the Florida State University College of Law faculty as the Steven M. Goldstein Professor in August 2002.

Roy L. Smart III a partner in the Charlotte-based law firm Parker, Poe, Adams & Bernstein L.L.P. has been voted by his peers to the Best Lawyers in America list for 2003–2004 for his outstanding work in corporate, mergers and acquisitions, and securities law. His practice is principally transactional, and his clients include foreign and domestic manufacturing, distribution, technology, franchising, and service sector companies. Smart is a member of the Business Law Section of the North Carolina Bar Association and serves as a member of its Council. He is also a member of the American Bar Association’s Business Law Section, and is an active member of its Committee on Negotiated Acquisitions and its Forum on Franchising. Smart is also the chairman of the Carolinas Advisory Council of the Trust for Public Land.

Elaine E. Whitbeck was promoted to General Counsel, Secretary, and Vice President of Alcon Laboratories, Inc. and Alcon, Inc. Alcon is a multi-billion dollar ophthalmic pharmaceutical company listed on theNYSE. Alcon is owned in part by Nestle, S.A. in Vevey, Switzerland. Ms. Whitbeck splits her time between Fort Worth, Texas, and Zurich. Ms. Whitbeck also has been named the President of the state-wide board of the Texas General Counsel Forum, which is comprised of over 250 General Counsels from the state. Whitbeck is married to Kurt Grimm,
President of SDR Pharmaceuticals, and has three sons, one of whom is currently serving in the 101st Airborne in Baghdad, Iraq.

1980

Dechert LLP partner Glenn A. Gundersen has been elected to the board of directors of Philadelphia Volunteer Lawyers for the Arts (PVLA). Founded in 1978, PVLA is a nonprofit legal services organization that provides pro bono legal assistance and basic business counseling to local artists and cultural organizations. Gundersen co-chairs Dechert’s intellectual property practice and focuses on trademark, copyright, and licensing law. Gundersen has been named repeatedly in professional surveys as a leading member of the trademark bar. The second edition of his book Trademark Searching was published in 2000, and he is a co-author of the book Intellectual Property in Mergers and Acquisitions.

Edward J. Kelly III was elected as a member of the University of Virginia Law School Foundation Board of Trustees as well as The Baltimore Community Foundation (BCF) board of trustees. The BCF raises, manages and distributes funds for charitable purposes in the greater Baltimore region. Kelly is president and chief executive officer of Mercantile Bankshares Corporation. Prior to his current position, he worked as both general counsel and managing director of J.P. Morgan. He holds volunteer positions on over a dozen boards, including the Baltimore Museum of Art and the Bryn Mawr School.

Barbara Schilberg recently was appointed in July as Managing Director and CEO of the Biotechnology Greenhouse of Southeastern Pennsylvania. Funded with over $33 million of the Commonwealth’s share of the national tobacco settlement, the greenhouse’s mission is to spur economic growth in the region by providing seed capital and other support to entrepreneurs and research scientists in the life sciences. Since leaving her biotech practice at Morgan Lewis in 1994, Schilberg has served in senior management at four life sciences companies. She can be reached at bschilberg@bioadvance.com.

Benton D. Williamson was elected to membership in the American College of Real Estate Lawyers. Membership in the College is by invitation and is limited to persons who have established expertise in real estate law, who observe high standards of professional and ethical conduct and who have contributed substantially to improvement of real estate law and practice. Williamson, a shareholder with the law firm of Haynsworth Sinkler Boyd, P.A., is the former chair of the South Carolina Bar’s Real Estate Practices Section and is a frequent speaker on commercial real estate transaction issues. Williamson lives in Columbia, SC, with his wife Elisabeth and their four children, DuBose, Betsy, Sara and Locke.

1981

Holton Bruce Guyton has been sworn in as the United States Magistrate Judge for the U. S. District Court, Eastern District of Tennessee. Prior to taking the bench, he was in private practice in Knoxville, TN.

Ken Lehman is chair of the Health Law Practice Group at Bernstein, Shur, Sawyer & Nelson in Portland, ME. He is “very pleased” to have HIPAA (Health Insurance Portability and Accountability Act of 1996) implementation concluded and looks forward to golfing through spring and summer. Ken lives in Cumberland with his wife Lauren and their three sons.
1982

**John T. Cook**, a member of the firm Caskie Frost, P.C., in Lynchburg, Virginia, has been inducted as a Fellow of the American College of Trial Lawyers, one of the premier legal associations in America. Invitation to the Fellowship is extended to those experienced trial lawyers who have mastered the art of advocacy and whose professional careers have been marked by the highest standards of ethical conduct, professionalism, civility, and collegiality. Lawyers must have a minimum of 15 years trial experience before they can be considered for fellows.

**Keith Hemmerling** reports that the Hemmerling Foundation underwritten film, ATTITUDE, featuring Hemmerling’s music and acting, received rave reviews in The Hong Kong International Film Festival. Premiering in New York, at The Two Boots Pioneer Theater, the film received strong reviews from The New York Times, The Village Voice, TV Guide Online, and RES, the cutting edge digital film magazine. The Hemmerling Foundation underwritten film, WEST 47th ST., will make its national television premiere on the highly-acclaimed PBS TV series P.O.V. (Point of View), public television’s showcase for independent documentary films. ATTITUDE offers a stark portrayal of the homeless, while WEST 47th ST. offers a graphic depiction of mental illness on the streets of New York. Reach Keith at: picodreams@aol.com.

**John H. McDowell, Jr.,** has joined as equity partner the Dallas office of Hughes & Luce L.L.P. after 20 years of practice with his prior firm. John continues his commercial litigation practice and leads the Hughes & Luce Antitrust Practice Group. McDowell reports that his daughter, Michal, 13, has mastered Spanish and continues to be a “straight A” junior high school student.

**Jay M. Tannon** has been recognized in the Woodward White publication Best Lawyers in America 2003–2004 and in the Chambers Global publication America’s Leading Business Lawyers 2003–2004. In each publication Tannon was listed in the practice area of corporate/mergers and acquisitions. Tannon leads the international transactions practice and is a member of the executive committee of Frost Brown Todd LLC, in Louisville, KY.

1983

**Rick Campanelli** was appointed Director of the Office for Civil Rights, U.S. Department of Health and Human Services, in July 2002. The Office is responsible for implementation of and compliance with the “Privacy Rule” — which protects the privacy of personal health information issued pursuant to the Health Information Portability and Accountability Act (HIPAA), and for compliance with federal laws that prohibit discrimination on the basis of race, color, national origin, ethnicity, age, and disability in services funded by the Department.

Prior to assuming his duties as Director of OCR, Campanelli practiced with Gammon & Grange, P.C. of McLean, VA, where as co-chair of the firm’s nonprofit practice group, he focused on federal and state regulation, employment law, intellectual property rights, contract law, and First Amendment issues. He lives with his wife, Shannon (MS, Nursing ’83), and three teenage children in Falls Church, VA. His son Chris will be a first-year undergrad at the University this fall.

**M. Graham Coleman** has joined Davis Wright Tremaine’s New York City office as a partner. Coleman was joined in this move by a large number of his partners and colleagues from Kay & Boose — including most of the attorneys focusing in the intellectual property/entertainment areas on both the transactional and litigation sides. DWT is a national firm with more than 350 attorneys.
Robert J. Conrad, Jr., has been nominated by President Bush for appointment to U.S. District Court for the Western District of North Carolina. Conrad has been serving as U.S. Attorney for the Western District of North Carolina since 2001. Robert and his wife Ann and their five children live in Charlotte, NC.

Thomas N. Griffin III of the Charlotte-based law firm Parker, Poe, Adams & Bernstein L.L.P. has been voted by his peers to the Best Lawyers in America list for 2003–2004 for his outstanding work in environmental law. In addition, he also was named to Business North Carolina magazine’s Legal Elite for 2003. Griffin is a Partner in the firm’s Regulation of Business and Governmental Relations Department in the Charlotte office and serves as a member of the firm’s Board of Directors. Griffin concentrates his practice on environmental law and litigation. He advises clients on solid and hazardous waste compliance requirements, superfund cleanups and coordination, site remediations, “Brownfields” and site development, and the complete range of federal and state underground storage tank requirements. Before joining Parker Poe, Griffin was an honors attorney in the environmental section of the Office of the Chief Counsel of the U.S. Army Corps of Engineers in Washington, D.C.

Jerry Kraisinger has become the Executive Vice President and General Counsel of the MeriStar Hospitality Corporation in Arlington, VA. MeriStar, with 104 hotels, is the third largest lodging real estate investment trust, or REIT, in the country. Jerry, who joined MeriStar from Host Marriott Corporation, his wife Alison, and their two children live in Kensington, MD.

Paula A. Monopoli, Professor of Law at the Southwestern University School of Law and Visiting Professor of Law at the University of Maryland School of Law, practiced trusts and estates law for several years. She has published articles in numerous law reviews and journals. She lives with her husband, Professor Marin Scordato and their family in Bethesda, Maryland. (See Paula’s entry in In Print.)

Owen C. Pell, Partner at White & Case LLP in New York, has received a Burton Award for Legal Achievement. The national awards program is run by the Burton Foundation, a not-for-profit, cultural, and academic organization devoted to promoting the legal profession. It is believed to be the first national awards program dedicated to refining and enriching legal writing by lawyers and law school students. The award, given annually, rewards authors who use plain, clear, and effective writing, and avoid using archaic and stilted legalese. This year’s program was scheduled for the Great Hall of the Library of Congress in June.

Irwin M. Shur, formerly Vice President and Division General Counsel for Invensys PLC, has been named Vice President and General Counsel for Enodis PLC. Enodis is a worldwide manufacturer of food service and food retail equipment with annual sales of approximately $1.2 billion. Enodis has factories in eight countries and a large portfolio of premium brands including Scotsman, Garland, Frymaster, Cleveland, Delfield, Jackson MSC, Lincoln, Convotherm, Vent Master, and Merrychef in food service, and Kysor/Warren and Kysor Panel Systems in food retail equipment. Shur will be based in New Port Richey, FL. In addition, Shur is very pleased to announce that he has been continuing his musical pursuits, and that his debut album, “Higher Ground,” has been released and is available on his website, www.irwinshur.com.

Maria A. Smith participated in a Mennonite Central Committee delegation to Colombia. She spent 12 days in Colombia as a member of a 16-person delegation to Putumayo, one of the “red zones,” where U.S.-sponsored fumigations are taking place, to listen to Colombians who oppose Plan Colombia and have suffered an increase of violence in the last two years.
1984
Marie Achtemeier Finch of Norfolk, VA, was elected to the Board of Trustees of the Virginia Stage Company. She’s also been appointed chair of the VSC’s capital campaign, and writes, “Like most regional theatres, our financial condition is precarious. Wish me luck — or break a leg (in theatre speak) — better yet, send me money!”

Lonnie “Chip” Nunley and his wife Helen and three children returned to Richmond this fall after a four-year secondment in Lausanne, Switzerland, at the international headquarters of a major client. Chip highly recommends “time off the treadmill” to rejuvenate and recharge.

1985
Brad Saxton began his tenure as the fifth dean of Quinnipiac University School of Law in Hamden, CT, last year. He arrived at Quinnipiac from the University of Wyoming College of Law, where he was associate dean.

Patricia A. Screen was recognized for “#1 Defense Verdict of the Year” and “Most Significant Defense Verdict” of 2002 by the National Law Journal. Screen is a partner in the firm Porter Wright Morris & Arthur LLP, in Cleveland, OH. She and Joseph W. Ryan, Jr. ’78 headed the defense team that won the case Chang v. Cleveland Clinic Foundation, Raina Krell, M.S. and Scott Strothers in Cuyahoga County Common Pleas Court last October. Each year, the National Law Journal compiles a list of the most significant courtroom victories. “It was particularly gratifying that the verdict was unanimous,” said Screen. “It was a complete vindication of our client, Raina Krell, who showed incredible strength throughout the two-and-a-half year ordeal. Many talented attorneys and staff at our firm worked together to help achieve this victory.”

1986
Glenn Brace currently resides in London, with his wife Susan and their four kids, Laura, Conner, Wilson, and Carter. Five years ago he traded private law practice in Boston for the London insurance market. Effective this April, Glenn was appointed to the Board of Directors of Equitas, the company he joined in 1998. (Equitas was created to reinsure and runoff Lloyds of London’s pre-1993 non-life liabilities.)

Robert W. Iuliano has been named Harvard University’s Vice President and General Counsel. A member of Harvard’s Office of the General Counsel since 1994, Iuliano became Deputy General Counsel in 2000, and has served this past academic year as the Acting Vice President and General Counsel. In nearly a decade as a member of the OGC, Iuliano has been responsible for a wide array of legal matters, in areas including student affairs, tenure issues, scientific misconduct, federal investigations and audits, police and security, labor and employment, intellectual property, litigation, and sponsored research. After Law School, Iuliano was a law clerk for the Honorable Levin Campbell, Chief Judge of the U.S. Court of Appeals for the First Circuit. He next spent four years at the Boston firm of Choate, Hall & Stewart, specializing in labor law and litigation. He then joined the U.S. Attorney’s Office in Boston, where he investigated and prosecuted criminal violations of the federal drug, tax, fraud, money-laundering, and labor laws from 1991 to 1994. Iuliano lives in Sudbury with his wife Susan and their two sons, Jeff and Ben.

Michael J. Olecki recently jumped headlong onto what he terms “an exciting new career path.” Forsaking his established niche as one of ten partners in a Beverly Hills law firm, Michael joined with a colleague to form Grodsky & Olecki LLP (www.grodsky-olecki.com), a litigation boutique specializing in business, entertainment, and intellectual property matters. Michael and his new partner have represented clients ranging from Fortune 500 companies, such as Emerson Electric Co., to entertainers such as Will Smith, Ed McMahon, and Destiny’s Child. With his lawyer wife, Karen Bodner, Michael lives in a Los Angeles historic district.
where he chairs the historic preservation design board. The couple have “three delightful four-legged children, Harry, Marly, and Chessie.”

Bill Ragland has joined Hunton & Williams in Atlanta as partner on the Litigation, Intellectual Property & Antitrust team. He concentrates his practice on complex litigation, IP, and technology matters, and high-growth strategies for emerging companies. Prior to joining H&W he was a partner in Powell, Goldstein, Frazer & Murphy’s Atlanta office.

The Hartford, CT-office of Halloran & Sage LLP announced the admission to partnership of Richard P. Roberts, who practices in the areas of municipal law, real estate, and business and commercial law. As a member of the firm’s Municipal Law and Governmental Liability and Financial Transactions Practice Groups, Roberts has assisted municipal clients in a wide variety of matters including real estate acquisition and sales, land use, charter revision, and the drafting and review of ordinances. Roberts has represented lending institutions and borrowers in secured, unsecured, asset-based, and non-traditional financing transactions as well as in various state and federal regulatory matters, including securities, banking, and land use and zoning matters.


North Carolina Governor Mike Easley has appointed Ben S. Thalheimer as District Court Judge for North Carolina 26th Judicial District. The district includes Charlotte, NC.

Rob Tiller recently joined Helms Mulliss & Wicker as head of its Raleigh, N.C., commercial litigation group. His new partners and colleagues include two other members of the class of ’86 — Brad Kutrow and Irving Brenner — and a total of 16 other UVA Law alumni. Rob spent almost 12 years at his previous firm in Raleigh, handling cases in the areas of antitrust, contracts, business torts, education, and intellectual property, among others. He is happy to report that son Gabe, born during Rob’s second year at UVA, graduated from high school in May, and daughter Jocelyn is a rising junior. Email: rob.tiller@hmw.com.

1987

Kim M. Boyle was installed as president of the New Orleans Bar Association at the annual meeting held in New Orleans last November. Boyle is the first African-American president of the New Orleans Bar Association. She is a partner in the New Orleans office of Phelps Dunbar LLP where she practices in the employment law group. Her practice is in the areas of labor and employment, civil rights, constitutional law, and commercial litigation. Prior to joining the firm, she served as Judge Pro Tempore, Division I, for the Civil District Court for Orleans Parish. Boyle has also served on the adjunct faculty of the Loyola University School of Law, where she taught Class Action and Multi-Party Litigation.

Fish & Richardson has added labor and employment attorney Stephen E. Fox as a principal in their Dallas office. His clients include Alcatel USA, The Fleming Companies, Front Porch Digital, Metro-OptiX, Staffware, Autoflex Leasing, Deugro Projects USA, and Collin County. He previously was named as one of the Best Lawyers in Dallas by D Magazine in the labor and employment category. As a member of Fish & Richardson’s Labor & Employment Group, Fox also will handle employment-related due diligence matters in business acquisition and financing transactions.
Bob W. Long was recently named Director of Strategic Investments for Bank of America Securities, where he leads a team that makes merchant banking investments to broaden the firm’s franchise and manages a $200 million existing portfolio.

Capt. David M. Morriss is Legal and Legislative Counsel to the Vice Chief of Naval Operations, a position he has held since December 2001. While in command of Naval Legal Service Office North Central, headquartered in Washington, D.C., and with responsibility for Northern Virginia through New England and Mid-West, his command was a co-recipient of the ABA Legal Assistance to Military Personnel Award for 2001 for response to the victims of terror attacks of 9/11 and the subsequent mobilization of reserve forces. This summer, Morriss will be assigned as the senior lawyer in the Navy’s Office of Legislative Affairs.

In February, Federal Communications Commission Chairman Michael Powell announced he was naming John Rogovin as General Counsel of the FCC. Rogovin, previously Deputy General Counsel, joined the FCC in May 2001. “John Rogovin is a superb lawyer and has made significant contributions to the FCC as Deputy General Counsel during the past year-and-a-half,” Powell said. “He has great experience in litigation, regulatory and administrative law and will be a great asset as General Counsel.” Rogovin is married and has two little girls, Hattie, 2, and Eva, eight months.

Holland & Knight LLP announced that Austin T. Wilkie was recently elected to the partnership. Wilkie, a member of the Business Law department in the New York office, joined Holland & Knight in 2000 and practices in the area of trusts and estates.

Amy Marschean is a senior staff attorney with Virginia’s Division of Legislative Services. Her staffing duties include the House Committee on Health, Welfare and Institutions and the Senate Committee on Rehabilitation and Social Services. She began her career in private practice with Squire, Sanders & Dempsey, in Washington, D.C., where she specialized in administrative law. While valuing the experience and the financial rewards, she realized within two years that she wanted a career in public service and gave two-weeks notice, put her life in storage, and moved in 1990 to Long Island, NY, to live in the house her grandfather built in 1942. Calling this her “early retirement at age 28” period, Marschean applied for public sector jobs back in the metro-Washington area while working in two vineyards doing marketing, tours and tastings, performing in community theatre, and having what she writes, was “the time of her life.” In 1992, Marschean accepted a job with the City Attorney’s Office in the City of Alexandria, VA, where she worked with the local department of social services and the human rights office. While staffing a study on the public delivery of mental health, mental retardation, and substance abuse services, Marschean met her husband, Paul Gilding. They worked together on a bill in the 1998 General Assembly session and their legislative love story had a very happy ending when the couple was married in 1999 and held the reception in a vineyard on Long Island. Today, they live in Richmond’s Fan District with their miniature Schnauzer, Tippett. Marschean enjoys travel, wine, cooking, and theatre. She is the newly elected Chair of the private, non-profit Housing Opportunities Made Equal.

Kathleen Clement Carter Ryder, her husband Bill, and their three-year-old Emelia Weatherly welcomed healthy twins William Gregory (7 pounds, 1 ounce) and Camille Foxhall (6 pounds, 2 ounces) on June 21, 2002. The Ryders live in Richmond, VA. Kathleen is home full time and Bill is Chief Quantitative Strategist at Wachovia Securities.
1989
Hodgson Russ LLP announced that Sharon M. Kelly joined the firm’s partnership in March. Kelly works in the Buffalo, NY office, where she practices in the areas of health law, non-profit corporations, and taxation of tax-exempt organizations. She concentrates on health law issues facing individual and institutional providers of health care, including fraud and abuse concerns, federal Stark rules, corporate formation and reorganization, LLCs and PLLCs, physician contracts and business matters, and reimbursement matters. Her non-profit law practice emphasizes tax exemptions issues, such as unrelated business income tax, use of joint ventures and subsidiaries, intermediate sanctions, private foundation rules, and corporate formation and restructuring.

Richard Wilbourn and his wife Victoria are expecting another girl in September. In addition to Richard’s law practice, he is a director of a $650 million national bank and was recently elected one of three directors to a family-owned hotel company which owns and manages 11 hotels.

1990
Mark C. Allen and his wife Kristen announce the birth of their fourth son, Matthew Mason, on November 10, 2002.

Jonathan R. Barr has become an Assistant U. S. Attorney in the Fraud and Public Corruption Section of the U.S. Attorney’s Office for the District of Columbia. He continues to live in McLean, VA, with his wife Annette and daughters Catherine and Anne.

Marlon G. Housman and his wife Kathy added twins Samuel and Isabel to their household in October of 2001. The twins joined older brothers Adam, 9, and Lucas, 5. Marlon hopes “all is well with my classmates and fellow section H-ers.”

This summer, Laurie Robinson Jones and husband Thomas Jones moved their family from Texas to Connecticut after Tom received a promotion within IBM’s legal department. Tom will be located in White Plains, NY, while Laurie will continue to act as President & CEO of Employment Practices Solutions, a nationwide human resources consulting company headquartered in Texas. Their daughters Rachael, 7, and Catie, 2, are looking forward to lots of snow in the “Great White North.” Tom and Laurie look forward to visiting their Wahoo friends in the northeast. Email Laurie at ljones@epexperts.com.

On February 9, 2002, Ronald V. Minionis and his wife Felicita welcomed a beautiful 9 pound, 1 ounce baby girl, Gabriella Rose. Minionis reports that she is “walking, has lots of teeth, and really wants to talk.”

Haynes and Boone LLP, a full-service corporate law firm, announced that Stan Perry has joined its Houston office as of counsel. Perry is the latest addition to the Firm’s Environmental Practice Group. Perry’s practice specializes in toxic tort and chemical exposure litigation. This practice includes premise liability, product liability, and contaminated property claims. He has developed an expertise in medical causation issues under the Daubert and Robinson standards for admissibility of expert testimony; the sophisticated user defense; and the bulk supplier defense. A frequent author on environmental law and litigation topics, Perry has recently written for For The Defense, Toxic Torts & Environmental Law Newsletter and The Houston Lawyer.

1991
Kellie Appel is Senior Vice President and General Manager of Turner Trade Group, a specialized division of Turner Broadcasting which enables advertisers to purchase media with their goods and services. Appel lives in Atlanta with her husband, Evan, and their 19-month old daughter Allie. They are expecting a sister for Allie in September.
In March, Cozen O’Connor announced the promotion of Sarah E. Davies and 15 other attorneys to senior members of the firm. “We are extremely proud of these new appointments,” said Patrick J. O’Connor, president and CEO of Cozen O’Connor. “These talented individuals will be an outstanding group of senior members who will continue to develop and promote the firm’s organic growth.” Davies resides in Philadelphia, PA.

Lisa Goodwin Michael writes that she has a beautiful 8-year-old named Sabrina. Her husband Gregory Michael is a feature film 2nd unit director who has directed action scenes for The Mummy and The Mummy Returns, and is currently working on the upcoming movie, Van Helsing, with Hugh Jackman. The family is expecting a baby boy in October.

Jeffrey L. Stredler, a principal in Hofheimer Nusbaum, P.C., received the Walter E. Hoffman Community Service Award at the Norfolk and Portsmouth Bar Association’s Annual Meeting in May. The award recognizes outstanding hands-on service to the community by a member of the Bar Association under 40 years old. Jeffrey volunteered for the Make-A-Wish Foundation and Girl Scout Council of the Colonial Coast. In 2002-2003 he chaired the NPBA Program Committee. He is also past chair of the Young Lawyers Section of the Bar Association.

1992

Matt Cholewa and Carolyn Ikari ’93 welcomed a second daughter, Kendall, born in December. Kendall joins 3-year-old Benjamin and 18-month-old Lauren.

Randi Rimerman Serota and her husband Howard welcomed a baby boy, Adam, on December 23. Adam joined 3-year-old big brother Max. Randi reports all are doing well, and she started a new job in May as corporate counsel for Systems and Computer Technology Corporation in Malvern, PA.

1993

Ann Spletzer Braun moved from Connecticut to Richmond in 2001 and is now an independent contractor for both her Connecticut law firm Day, Berry & Howard LLP and other local clients. Braun writes her “niche” is commercial real estate leases. She was married in August 2001.

In February, intellectual property and corporate attorney, John C. Carey, joined the Miami office of Stroock & Stroock & Lavan LLP as partner. Carey represents technology-oriented companies in litigation involving patents, trade secrets, trademarks and copyrights, and in a variety of transactional matters, including company formation, venture capital financings, technology licensing, and related commercial agreements. His achievements in the courtroom include obtaining one of the largest damages awards in the history of the U.S. trademark law.

Anne R. Dettmer writes that she is enjoying being a “stay-at-home mom” with Michael, 4, and Katie, 2.


Bret R. Salzer, Associate at Schulte Roth & Zabel LLP in New York, has received a Burton Award for Legal Achievement. The national awards program is run by the Burton Foundation, a not-for-profit cultural and academic organization devoted to promoting the legal profession. It is believed to be the first national awards program dedicated to refining and enriching legal writing by lawyers and law school students. The award, given annually, rewards authors who use plain, clear, and effective writing, and avoid using archaic and stilted legalese. This year’s program was scheduled for the Great Hall of the Library of Congress in June.

Tracy Synan moved to Ponte Vedra Beach, FL, with her husband, Eric Nottmeier, in July 2002 when he took a neurosurgery position at the...
Mayo Clinic. Synan is doing contract/project work in civil litigation from home, as the firm she was with in Arizona asked her to continue post-move. Synan reports she has “no kids; two cats” and would love for classmates to visit.

Todd Zywicki was promoted to full professor at George Mason University School of Law, but is taking a leave of absence to serve as Director of the Office of Policy Planning at the Federal Trade Commission.

1994

In January, Jennifer Davidson became a partner with Kleinfeld, Kaplan & Becker LLP in Washington, D.C., where her practice focuses on counseling and litigation relating to the regulation of prescription and over-the-counter drugs, foods, dietary supplements, cosmetics, and medical devices.

Raya Najjar and her husband Talal Baki welcomed their first child, Mira Yasmine, on November 26, 2002. The family now lives in Winston-Salem, NC.

Andrew M. Edison was recently elected as partner in Bracewell & Patterson L.L.P.’s Houston, TX, office. A trial lawyer who has extensive first-chair jury and non-jury trial experience, Edison represents plaintiffs and defendants in state and federal courts. He has worked on cases involving securities fraud, breach of contract, professional malpractice, theft of trade secrets, condemnation, and construction law.

M. Catherine Ozdogan was recently elected as partner in Bracewell & Patterson L.L.P.’s Houston, TX, office. Ozdogan concentrates her practice on financing transactions, with significant experience in business transactions related to energy. She represents financial institutions and other lenders in secured and unsecured credit transactions. Her experience in lending and business transactions includes debt financing, financing of purchases and sales of oil and gas properties, and “non-traditional” forms of financing.

John C. “Chap” Petersen was recently elected as partner in Bracewell & Patterson L.L.P.’s Reston, VA, office. Petersen has tried numerous cases, including multiple jury actions. His practice focuses on all types of commercial litigation, including landlord and tenant, employment law, and multi-count business torts, and some forms of non-litigation representation, including advice on local government issues. He has extensive experience representing clients in commercial, employment, and personal injury claims. Petersen also serves as a state delegate in the Virginia General Assembly.

Meredith Shackelford Jeffries married John T. Jeffries on April 26. Meredith, John and their daughters Sarah, 7, and Emily, 4, live in Charlotte, NC, where Meredith practices labor and employment law with Alston & Bird LLP.

1995

Jeffrey W. Cottle moved to the Washington, D.C., Coudert Brothers LLP office, to practice international corporate and commercial transactions.

Goulston & Storrs has elected William Dillon as a new director. Dillon’s practice includes real estate development, commercial financing and leasing. He is admitted to the Bar in Hawaii and Massachusetts, and is a resident of Lynnfield, MA.

Jim Morse is now working as a law clerk to the Honorable James Teilborg, U.S. District Court for the District of Arizona. Julia (Rasnake Morse)
and Jim celebrated the birth of their second daughter, Rebecca, in April 2002.

Christopher D. Ray has accepted a position as Principal and General Counsel of Natural Gas Partners, which is a Dallas-based private equity firm that invests in the energy industry. Previously, Chris had been a Partner in the Dallas-based law firm Thompson & Knight, where his practice concentrated on venture capital, corporate finance, mergers & acquisitions, and securities law. Chris lives in Dallas, TX, with his wife Kathy.

Jennifer Short has been elected to partner at Holland & Knight LLP. Jennifer, a member of the litigation department in the Northern Virginia office, joined the firm in 1998 and practices in the area of complex civil and white collar criminal matters.

1996

Emily Holsinger Butler and her husband David celebrated the birth of their first child, William John Butler, on March 21.

Eric D. Chason has become a member of the law firm of Ivins, Phillips & Barker. Chason is a member of the District of Columbia Bar and the American Bar Association. He has authored several articles, including “Settlements and Waivers Affecting Pension Benefits Under ERISA,” which recently appeared in the Benefits Law Journal. He joined the firm in 1998 and practices in the areas of employee benefits and executive compensation.

Matt Cooper is now Assistant Vice President and Senior Counsel at GE Financial in Richmond, VA, where he handles litigation. Kate and Matt recently had a baby girl, Virginia, who is 3-months-old. Three-year-old big brother Ned has enjoyed the company.

Hogan & Hartson L.L.P. announced William J. Curtin III is now a partner and a member of the firm’s International Business Transactions and Corporate, Securities, and Finance Groups out of the Washington, D.C., and Paris offices. His practice involves a variety of corporate and securities matters, focusing primarily on international business transactions, private equity, and international securities laws. In his international business transactions practice, Curtin advises clients on inbound, outbound, and cross-border business transactions in the U.S., Europe, the Middle East, and Asia, with a particular emphasis on strategic investments, joint ventures, and mergers and acquisitions for major international investors and European, American, and multinational companies.

Marcia McGratty Douglas and her husband Matt welcomed their second child, Lauren Elizabeth, on Friday, April 4. Lauren joins big brother Matthew, who is 15 months older. The family lives in Summit, NJ.


Eva May Haddock-Barbudo was born to Don Haddock and Cristina Barbudo on March 15. Eva weighed 6 pounds, 10 ounces, and was 18 inches long. Don writes that so far Eva is a happy baby who sleeps well. “Let’s hope it lasts!”

Benjamin T. King was named editor of the Superior Court Digest for the New Hampshire Trial Lawyers Association’s Trial Bar News. Benjamin practices with the Concord, NH, firm of Douglas, Leonard & Garvey, concentrating in employment law and commercial litigation.

Jeff Lehrer joined Gray Cary as a partner and the head of their Washington, D.C., Emerging Growth and Venture Capital Practice. Jeff and his wife Tasha are the proud parents of Eli Cooper Lehrer.

Issa Matta left Andersen Worldwide in December and joined the biotech firm, Serono, as corporate counsel in January. He and wife Helene Rauby-
Matta welcomed their daughter, Valentine, in November 2002. The family lives in Divonne les Bains, France.

Ian Rosenthal and Tallulah Rosenthal (McIntire ’95) announce the birth of their daughter Alex on May 10, 2002. In January 2003, Ian became a partner with Cabaniss, Johnston, Gardner, Dumas & O’Neal in Mobile, AL, where his practice focuses on litigation throughout Alabama and the Florida panhandle. He has also been selected as one of the The Best Lawyers in America in the current edition of that publication.

Regan S. Safier and her husband Duane Smith welcomed their daughter Devin Safier Smith on October 9, 2002. Devin joined 2-year-old big sister Jolie. Regan is practicing medical malpractice defense in Philadelphia at Weber Gallagher where she was recently promoted to Senior Associate.

Kathryn Sheehan moved back to Seattle to work at Amazon.com as Corporate Counsel, Litigation and Regulatory Compliance. After spending two years in California, Kathryn writes she’s “thrilled to be back in Seattle.”

J. Taggart “Tag” Birge has been elected to serve on the Indiana Sports Corporation board of directors. ISC is a private, not-for-profit organization that represents Indianapolis in the national and international sports marketplace. Birge is a real estate attorney who concentrates his practice in a variety of related areas, including zoning, leasing, and secured lending.

Vanessa Chandler has joined Kilpatrick Stockton LLP as a senior associate in the firm’s Antitrust Practice. Chandler will be based in Washington, D.C., and will concentrate on antitrust and trade regulation. Chandler has counseled assorted clients on the antitrust implications of various arrangements, such as joint ventures, mergers, dual distribution, and information exchanges, as well as issues relating to the McCarran-Ferguson Act. She has also done extensive antitrust work in the healthcare industry. Chandler is also a litigator with extensive civil and criminal experience, representing both plaintiffs and defendants in antitrust, government contracts, and environmental suits, as well as representing corporations and individuals in grand jury investigations.

Kevin W. Holt and his wife Susan are the proud parents of their first child and daughter, Lillian Elizabeth, born February 8. Kevin practices law with Gentry, Locke, Rakes & Moore in Roanoke, VA.

Deborah Owen Pell and husband Nick welcomed a baby girl, Cecelia Elizabeth, on January 5. “Big brother Nicholas, Mom and Dad are very proud.”

Andrew Rudge and Shelley Jones Rudge ’99 were married in Charlottesville on April 26. The couple lives in Washington, D.C.

James Jones and his wife, Kimberly, welcomed their first child, Kyle Matthew Jones, on April 4.

Edmund Polubinski III was featured in the New York Law Journal for a victory of one of Davis Polk & Wardwell’s pro bono clients that resulted in the release of a man in prison. Polubinski was the lead lawyer on the team, and with assistance from the Legal Aid Society and another junior associate, he headed up the 18-month investigation, briefed the motion, and conducted a lengthy hearing, which included an effective cross examination of a hostile trial lawyer and a multi-day closing argument. “To have the successes we’ve had in this case, and being able to change lives as we have,” said Polubinski, “Well — this is the reason we go to law school.” Polubinski is a fifth-year associate in Davis Polk’s litigation department.
Maj. Shane Bartee, Maj. Dion Lyons, and Maj. Charles Poche received Master of Laws degrees in Military Law from the Judge Advocate General’s School of the Army, based in Charlottesville. “As three members of the Class of 1999 we were happy to be back in Charlottesville,” writes Poche. On the same day, May 22, he and his wife celebrated the birth of their son, Zachary Thomas Poche.

Shelley Jones Rudge and Andrew Rudge ’97 were married in Charlottesville on April 26. Shelley and Andrew live in Washington, D.C.

J. Bryan Wood recently joined Chicago’s Stowell & Friedman, Ltd., as an associate representing individuals and classes in civil rights and employment discrimination actions throughout the country.

Amy Becker and Marc Strauss were married on January 11 in Newport Beach, CA. Classmates Kate Connelly, Kate Garland, David Schumacher, and Will Doyle were members of the wedding party, and several other classmates were also in attendance. The Strausses live in New York, where Amy is a labor and employment associate at Hogan & Hartson, LLP, and Marc is attending Columbia Business School.

Ryan Clinton left Vinson & Elkins to join the Office of the Solicitor General for the State of Texas.

Adrienne Johnson and Ryan Davis were married on June 7 in St. Louis, MO. Judy Stocks, Francesca Ugolini, Ryan Clinton, Rich Gardner and Andy Harris were members of the wedding party, and several other classmates also attended. The couple lives in St. Louis, where Adrienne practices as an estate planning associate at Lewis, Rice & Fingersh, L.C. and Ryan practices as a corporate associate at Bryan Cave LLP.

Kandice J. Kerwin married Jason C. Giurintano on May 30. Jason is an attorney with the Pennsylvania office of Attorney General. The couple resides in Annville, PA.

Gregory A. Werkheiser, an associate in Piper Rudnick’s Litigation group, was selected as one of 108 Regional Finalists nationwide for a position as a White House Fellow. The bipartisan White House Fellowship Program is the nation’s most prestigious program for leadership and public service. Werkheiser is a commercial litigator with a diverse clientele. He is also recognized as a leader in the field of civic education. He founded and as a volunteer directed for six years the Virginia Citizenship Institute, a statewide bipartisan alliance of educators, students, businesspeople, and political leaders dedicated to increasing civic education and engagement among young Virginians. Werkheiser now chairs the Virginia Commission on National and Community Service, which administers the federal AmeriCorps program and is charged by the Governor with coordinating statewide efforts to increase the quantity and quality of volunteerism, community service, and civic engagement by citizens of all ages. Werkheiser’s commitment to public service is the fulfillment of a promise elicited from the virtual stranger who stepped forward to fund his college education. Prior to attending law school, Werkheiser served in dual roles as Aide to the United States Ambassador to France in Paris and member of the United States Information Agency team organizing U.S participation in the G-7 meetings in Lyon.

At the Law School, Werkheiser founded the Virginia Citizenship Institute to remedy the crisis of disengagement from public affairs among Virginia youth. Werkheiser continues his commitment to public service through his pro bono practice focusing on civil rights and as a member of the Native American and Women’s Bar Associations of the District of Columbia. He represents the 1500 families of Nanticoke Lenni-Lenape Indians of New Jersey in their quest to save from imminent destruction an ancient...
archaeological site evidencing 10,000 years of their history. As a result of his advocacy, Werkheiser was the first attorney awarded the New Jersey Historic Preservation Award, and Piper Rudnick honored him with its 2002 Pro Bono Award.

Andrew McCanse Wright is leaving Skadden, Arps, Slate in Washington, D.C., to become a litigation associate at Jackson Kelly PLLC in "Wild, Wonderful" Morgantown, WV. Andrew and Caprice Roberts, a WVU Law Professor, live in Morgantown with their dog, Trixie, and cat, Bubba.

2001


David E. Bell is doing litigation work at Crowell & Moring LLP in Washington, D.C. He is engaged and will marry Elizabeth Douglas in September 2003.

Noble Black is living in New York and working at McKee Nelson LLP in the area of structured finance.

Gunes F. Ozcan Hopson is working at Williams Mullen where her practice focuses on corporate law with a sub-specialty of representing investment advisors. She and her husband Kevin reside in Richmond, VA.

Howard D. McFadden is specializing in corporate tax (in-house counsel) at Norfolk Southern Corporation in Norfolk, VA. He and his wife Jennifer have two children: Zoe, 5, and Shane, 4.

Catherine Morgen and her husband David welcomed the birth of their second child, Chloe Margaret, on December 22, 2002. The Morgens live in Atlanta, GA.

Michael J. Schwartz married Lauren Winters (Curry School of Education 2001) on March 29, 2003 in New York.

2002

Matt Ballenger was named The Labor Lawyer’s 2002 Student Writing Competition winner for his paper, “The Price of Justice: The Role of Cost Allocation in the Employment Arbitration Fairness Analysis.” A first-year associate at Hogan & Hartson in Washington, D.C., Ballenger wrote his paper during his second and third years at the Law School, under the direction of Law Professor Rip Verkerke. Ballenger said the paper examined the developing field of the law surrounding the enforceability of employment arbitration agreements.

Jason R. Barclay has joined Barnes & Thornburg, Indiana’s largest law firm, as a new associate in the Indianapolis office. He practices in litigation and white-collar criminal defense. An Indiana native, Barclay served as an advisor to former Indianapolis Mayor Steve Goldsmith and as a research assistant for David Gergen, former White House Communications Director for Presidents Ford and Reagan.

Amy Kobelski married Andrew Trueblood in August 2002. Amy is finishing her clerkship with Chief Justice Frank Drowota of the Tennessee Supreme Court this summer and will start working at Jenner & Block, LLC in Chicago in September.

LL.M.

1982
Although he has taken senior status, U.S. District Judge Richard Mills continues to take a partial trial caseload on Mr. Lincoln’s prairie and sits around the country by designation on various U.S. Courts of Appeal.

1995
New York Law School received a $100,000 gift for its moot court program, establishing the Honorable Ernst H. Rosenberger Appellate Advocacy Support Fund. Rosenberger is Associate Justice of the New York Supreme Court, Appellate Division First Department, and is vice chair of the New York Law School Board of Trustees. Among Justice Rosenberger’s honors and awards, he is the recipient of the William J. Brennan Award (2001) from the New York State Association of Criminal Defense Lawyers and the Benjamin N. Cardozo Award (2000) from the Jewish Lawyers’ Guild. Justice Rosenberger’s long and distinguished career in the law is marked by an avowed concern for the rights of the disenfranchised. His strong commitment to justice led him to volunteer his services in the defense of the so-called “Freedom Riders” arrested in 1961 in Jackson, MS, and he worked on accommodation and voting rights cases throughout the South in the 1960s.

2001
Peter Beyer and classmates from Switzerland and Germany have organized an LL.M. reunion for August 28-August 31 in Berlin, Germany. Although organized by the LL.M. Class of 2001, everyone is welcome. “We are in the process of putting together a little program for the few days in the German capital, such as a guided English tour of the Reichstag (German Parliament), a cruise with a boat on the river, casual dinner, etc. There will be plenty of time for excursions through the city on everybody’s own. All in all, the idea of this reunion is, obviously, to see each other after a couple of years. The crowd that we can get together will not be a big one, I guess, but fellow classmates from USA, Japan, Switzerland, Indonesia and elsewhere have already confirmed their participation,” writes Beyer. For more details, contact: Peter Beyer BEYER Patent- und Rechtsanwlte Am Dickelsbach 8 D-40883 Ratingen Germany Phone: ++49-(0)2102-60063 or 60064 Fax: ++49-(0)2102-60065 info@beyerlaw.de or pb3k2001@yahoo.de

1996
David R. Percy became Dean of Law at the University of Alberta in Canada for a five-year term beginning July 1, 2002. In 2001 he worked for the U.N. Food and Agriculture Organisation based in Rome on a project involving Water Law and Aquaculture in five African countries and in 2002 he worked as a consultant for the FAO in Namibia.
In Memoriam

Milton T. Hickman ’33
Painter, VA
February 15, 2003

Turner Taliaferro Smith ’36
Manassas, VA
October 17, 2001

The Honorable Thomas C. Gordon, Jr. ’38
Richmond, VA
May 17, 2003

George Walter Mapp, Jr. ’39
Accomac, VA
April 28, 2003

Alexander W. Neal, Jr. ’39
Richmond, VA
May 18, 2003

Dudley N. Hartt ’40
Cazenovia, NY
January 16, 2003

Stanley K. Joynes, Jr. ’41
Richmond, VA
April 2, 2003

Beverly W. Pattishall ’41
Lakeside, MI
November 23, 2002

Charles L. Sours ’41
Cary, NC
June 27, 2002

Paul J. Chase ’42
Mill Neck, NY
February 7, 2003

James E. Edmunds III ’42
Halifax, VA
March 17, 2003

The Honorable Archibald M. Aiken, Jr. ’48
Leesburg, VA
December 3, 2002

Harry P. Anderson, Jr. ’48
Richmond, VA
March 24, 2003

Gustave T. Broberg, Jr. ’48
Palm Beach, FL
November 23, 2001

The Honorable E. Gerald Tremblay ’51
Charlottesville, VA
June 19, 2003

Wallace R. Gunn ’48
Hattiesburg, MS
January 27, 2003

David T. Kennedy ’48
Beckley, WV
March 21, 2003

Thomas R. Macy ’48
Burlington, VT
February 22, 2003

Gerald T. Grenert ’54
Encino, CA
October 12, 2002

Hiram H. Spicer III ’48
Towson, MD
April 25, 2002

Lester E. Zittrain ’55
Pittsburgh, PA
January 26, 2003

Claus Albert Turner, Jr. ’48
Eastville, VA
March 14, 2003

Graham W. Smith ’58
Orchard Park, NY
May 28, 2003

Christopher H. Williams IV ’48
Merritt Island, FL
January 11, 2003

Robert M. White ’63
Midlothian, VA
April 1, 2003

Robert A. Keyworth, Jr. ’60
Gardner, MA
February 23, 2003

David Hugh Boyd ’61
Fairfax, VA
January 26, 2003

The Honorable Archibald M. Aiken, Jr. ’48
Leesburg, VA
December 3, 2002

The Honorable William W. Griffen ’51
Banner Elk, NC
January 1, 2001

The Honorable James Lawrence Dooley ’52
Charlottesville, VA
October 18, 2002

The Honorable Oliver J. Neibel, Jr. ’52
Omaha, NE
February 25, 2003

W. Gary Vause ’80
Saint Petersburg, FL
May 9, 2003

The Honorable James Lawrence Dooley ’52
Charlottesville, VA
October 18, 2002

John W. Minor ’67
Bluffton, SC
February 18, 2002

Kevin Bruce Klein ’95
St. Paul, MN
February 9, 2003

Lester E. Zittrain ’55
Pittsburgh, PA
January 26, 2003

The Honorable Jerry R. Parker ’92
Clearwater, FL
January 11, 2003

Joseph B. Kennedy ’86
Charlotte, NC
July 23, 2002

John G. Littell ’90
Washington, D.C.
March 19, 2003

Kevin Bruce Klein ’95
St. Paul, MN
February 9, 2003

Megan Owen Barry ’99
Centreville, VA
February 14, 2003
LAW SCHOOL ALUMNI WRITE AND PUBLISH books on a wide variety of topics. If you have written a new book and want to tell us about it, please send all pertinent information to: UVA Lawyer, 580 Massie Road, Charlottesville, VA 22903; or lawalum@virginia.edu.

Fiction

The Locklear Letters
Michael Kun ’88
MacAdam/Cage

The Locklear Letters, just named as one of Amazon.com’s Summer Breakout Books, “is a farcical look at celebrity worship in today’s society through the eyes of Sid Straw, an affable, if not boring, software salesman who tries to rekindle an acquaintanceship with his former college classmate turned Hollywood starlet Heather Locklear. His innocent letter requesting an autographed picture begins a bizarre turn of events that eventually costs him his job, foils his romantic intentions toward a coworker, drains his finances, and generally ruins his life. Sid, a Don Quixote character with large blind spots regarding the fate of his one-sided correspondence with the movie star and his own behavior, cannot escape the wrath of lawyers, public relations bulldogs, angry bosses, and ex-girlfriends that drags his life down the tubes. Until he fights back,” according to publisher MacAdam/Cage. Kun's successful first novel, A Thousand Benjamins (Atlantic Monthly Press), was published in 1990. His short stories have appeared in Other Voices, Fiction, StoryQuarterly, and Cottonwood, among other publications. He lives and works in Los Angeles, where he is working on a new novel, a short story collection, and a children’s book.

Nonfiction

Reinventing Environmental Enforcement & the State/Federal Relationship
David Markell ’79 with Clifford Rechtschaffen
Environmental Law Institute

The publisher writes, “One of the most controversial issues in environmental law and policy — and one that is of considerable importance to the EPA — is the allocation of power and authority between the federal and state governments. The recent evolution in approaches of environmental enforcement highlights many of the tensions inherent in this debate. During the past several years, the federal and state governments have spent a good deal of energy attempting to
reinvent, their relationship. The shifts in federal/state enforcement relations are highly significant, with the potential to fundamentally reorder the division of authority that has existed over the past 25 years. This book thoroughly documents the changing nature of federal/state relations in enforcing environmental law. It breaks new ground in analyzing the federal/state enforcement relationship, particularly in light of the many recent developments that have occurred in this area. The authors’ findings provide important lessons about the interplay between federal and state efforts in other regulatory areas, and for the structure of federal/state relations generally. Professors Rechtschaffen’s and Markell’s clear, in-depth analysis will be essential reading for legal and regulatory experts, attorneys who are involved in environmental enforcement matters, the judiciary, legislators, political scientists, public policy experts, and anyone with an interest in environmental law and policy.

No phrase in American letters has had a greater influence on church-state law and policy than Thomas Jefferson’s “wall of separation between church and state,” and few metaphors have provoked more passionate debate. Introduced in an 1802 letter to the Danbury, Connecticut Baptist Association, Jefferson’s “wall,” is accepted by many Americans as a concise description of the U.S. Constitution’s church-state arrangement and conceived as a virtual rule of constitutional law. Despite the enormous influence of the “wall,” metaphor, almost no scholarship has investigated the text of the Danbury letter, the context in which it was written, or Jefferson’s understanding of his famous phrase. “Thomas Jefferson And The Wall of Separation Between Church And State” offers an in-depth examination of the origins, controversial uses, and competing interpretations of this powerful metaphor in law and public policy,” writes publisher NYU Press.

A Voting Rights Odyssey — Black Enfranchisement in Georgia
Laughlin McDonald ’65
Cambridge University Press

From Cambridge University Press: From slavery to the white backlash of the 1990s, A Voting Rights Odyssey is a riveting account of the crusade for equal voting rights in Georgia. Written by a veteran civil rights lawyer, the book draws upon expert reports and other court records, as well as trial testimony and interviews with the men and women who served as plaintiffs and witnesses in litigation that helped forge a revolution in voting rights. The book explores, and repudiates, the myths of the Reconstruction era that blacks were incapable of voting and holding office. It also catalogues the attempts of the state leadership to maintain white supremacy after the abolition of the white primary, the demands of the Civil Rights Movement, and passage of the historic Voting Rights Act of 1965. A must read for anyone interested in the way in which race has driven and distorted the political process in the South.

Thomas Jefferson and the Wall of Separation Between Church and State
Daniel L. Dreisbach ’88
New York University Press

No phrase in American letters has had a greater influence on church-state law and policy than Thomas Jefferson’s “wall of separation between church and state,” and few metaphors have provoked more passionate debate. Introduced in an 1802 letter to the Danbury, Connecticut Baptist Association, Jefferson’s “wall,” is accepted by many Americans as a concise description of the U.S. Constitution’s church-state arrangement and conceived as a virtual rule of constitutional law. Despite the enormous
New Hampshire judge and probate attorney John Fairbanks, a court-appointed executor and trustee, stole thousands of dollars from the estates of his trusting elderly clients. Successful New York lawyer Arnold Biegen, the sole fiduciary of his law partner’s estate, misappropriated nearly $1 million dollars from the partner’s aged, schizophrenic widow. Enterprising attorney James Gunderson drafted wills and living trusts for many residents of Leisure World in Orange County, CA, who named him the sole trustee and major beneficiary. These are just some of the cases examined by Paula A. Monopoli to illustrate the unsettling prevalence of fraud and abuse inherent in American probate law. Probate courts are intended to provide a vehicle for the orderly disposition of property after death, to balance the interests of creditors, the government, and heirs, and to protect the rights of the elderly and others with special needs. In this insightful work, Monopoli shows how an array of flaws in the system allows corrupt and unethical lawyers to take advantage of the nation’s most vulnerable citizens. She delves into such subjects as the history and purpose of probate, procedural complexities, lack of regulatory oversight, inadequate judicial resources, and the growth of non-probate alternatives, concluding with a blueprint for reform that emphasizes deterrence, detection, and compensation for the victims. This eye-opening and informative account casts new light on the intricacies and failures of a legal process that affects millions of Americans every year, according to Northeastern University Press.

American Probate: Protecting the Public, Improving the Process
Paula A. Monopoli ’83
Northeastern University Press
Fear Not Turmoil, Failure; Make Your Career Your Own

Robert S. Mueller III ’73

Editor’s Note: Mr. Mueller, Director of the Federal Bureau of Investigation, gave the commencement address at the Law School’s graduation ceremony on May 18, 2003. The text of the address appears below.

THANK YOU, REES, FOR THAT WARM introduction. Dean Jeffries, parents, faculty, and new graduates of the University of Virginia Law School: Thank you for giving me the opportunity to be with you on this occasion. It is an honor.

To Dean Jeffries and the members of the faculty: Thank you for your dedication and service to this school and to these new lawyers. The prestige of this school is due, in large part, to your scholarship and accomplishments.

To the parents, spouses, friends and family: Congratulations on your new lawyers. It is indeed important that you participate in this ceremony today. Because in no small part, it is the sharing of your values, and your support and encouragement, that has made this day possible. I applaud you for the many sacrifices you have made these last three years — and in many cases, much longer than that.

And now, to those graduating today: Congratulations to each of you.

Let me start by pointing out that you graduate at a unique time in our history. You come out of UVA Law School to a changed world; a world transformed by new digital technologies, cell phones, and the internet; a world transformed by the events of September 11. As lawyers, no matter what sector of the profession you enter, you will confront these realities.

From the perspective of law enforcement, I will tell you that we in the FBI face a world where terrorists, narcotics traffickers, and other international criminals traverse borders with impunity relying on the inability of nation states to bridge their conflicting legal systems.
This global reach of crime — particularly terrorism — is transforming the law enforcement environment in which we operate, and will change the legal environment in which you will operate.

We in the FBI understand that our first priority is to protect the country from another terrorist attack. We understand that in the future we must expand to address cyber and other transnational criminal threats, while we must also continue to investigate white collar and violent crimes here at home. Most importantly for us, we must continue our evolution from being a paper driven organization to being a modern institution operating effectively in the digital world. The FBI of today bears little resemblance to the FBI of J. Edgar Hoover.

Responding to the threats of the modern world is a complicated undertaking requiring not only the efforts of the FBI, but also the coordinated efforts of our state, local and foreign counterparts. In today’s world, the FBI and its sister law enforcement agencies must work together to be successful, and we must do so using all of the modern technologies available.

As law enforcement and the FBI are changing to meet the new threats of terrorism, transnational crime and cyber attacks, so too will our legal system evolve to meet these threats, and each of you will be called upon to play a role in that transformation.

So then, we face a changed world. How have we been prepared, and what thoughts should we keep in mind as we embark on a career in this transformed world?

Let me begin by pointing out that today you graduate from one of the best law schools — and I would argue the best law school — in the country. I say that remembering what I found unique about this school 30 years ago. Then, as now, UVA was different than other law schools. It sought to provide the foundation for future leadership. As Rees has pointed out, I came to the Law School from the Marine Corps, with a tour in Vietnam. As you all know, the Vietnam War was deeply divisive for our country, and there were a number of law schools that were not receptive to veterans of Vietnam. Not so UVA.

The University was looking for a range of experiences, understanding that a true legal education is an amalgam of the law, and of values, with the goal of preparing its students for service — service to the country, service to Virginia, service to the poor, service to others. Then, as now, a variety of views were represented. Many of my fellow students, good friends, opposed the war in Vietnam. Some had been conscientious objectors. But then, and as I presume now, our debates fostered mutual respect and a sharing of vision.

That is not to say that such debates do not occasionally suffer from misunderstandings. I have it on good authority that while John Jeffries was teaching a civil rights class, John went to the blackboard and drew what he thought was a peace sign. Only to be informed by one of his students that what he had drawn was not a peace symbol, but the Mercedes-Benz logo.

With your legal education, what might you keep in mind as you embark on your new careers?

Thirty years ago I was sitting where you are, a little nervous as many of you may be, wondering whether I could, or would, be successful once I left law school. Since then, my legal career has traveled, some — including my wife — might say “meandered,” through private law firms, prosecutor’s offices, and courtrooms in a number of cities, finally landing where I
am today. So I have asked myself: What in my journey may be relevant to your future careers as you graduate? What has served me well over the years? What have I learned that may be worth passing on to you?

First, we should not fear taking on new challenges or exploring new opportunities. I remember a piece of advice I was given during my last year at UVA. The Speakers’ Forum had invited one of the nation’s premier trial lawyers to address us. If my memory serves me, it was Percy Foreman from Houston. I remember to this day the core of his presentation, as does my wife who was also there. He told us to select a community and to stay in that community for the duration of our careers. For only by doing so would we be able to develop the reputation to enable us to be successful as attorneys.

This was sound advice, and when my wife and I were thinking of moving from San Francisco to Boston six years out of law school, we recalled this advice. But because I loved investigating and prosecuting criminal cases above all else, we chose another path. At last count, my wife tells me we have moved 17 times. What I have learned in those moves is that no two prosecutor’s offices, no two law firms, no two courthouses do things the same way. Moving expands your horizons, teaches you new ways of doing things, and presents new challenges. Do not fear change.

Second, integrity is the bedrock of one’s reputation, and thus one’s career. Whether it be in conversations with your client, negotiations with opposing counsel, or in argument in a courtroom, you are only as good as your word. You can be smart, aggressive, articulate, persuasive. But if you are not scrupulously honest with fellow counsel, the court, the jury, and yourself, your reputation and your career will be worth naught. At the heart of being a good lawyer — and I would argue a good spouse, parent, or citizen — is integrity. At no point in either the largest or the very smallest decisions should you sacrifice your integrity.

Third, fulfillment comes from service to others. And what do we mean by service to others? It is putting others before yourself. It can be done in ways both large and small. Most importantly, it should mean devotion to your family. But it should also mean service to your clients, individual or corporate. It can mean service to the accused, or to those who can least afford it. Or it can mean other public service.

The rewards of public service are often difficult to measure, to quantify, to adequately describe. But for the FBI agent, or for the prosecutor, fulfillment comes from bringing justice to the families of victims of terrorists, other killers, or other criminals.

I will never forget a visit I made to Lockerbie, Scotland, during the investigation into the bombing of Pan Am Flight 103. As you may remember, shortly before Christmas in 1988, Pan Am 103 exploded over Lockerbie, killing the passengers and the crew. The constables in charge of the Scottish end of the investigation had constructed a small wooden warehouse in which were stored the various effects of those who were on the plane when it broke apart in the skies: a white sneaker never again to be worn by the teenager; a Syracuse sweatshirt never again to be worn by the Syracuse student, and other such everyday pieces of clothing and personal belongings. These ordinary items brought home to me, and came to symbolize for me, the pain and the loss felt by those whose family, friends, or colleagues died that evening.

Bringing to justice those responsible for Pan Am 103, or those responsible for the events measure. The fulfillment comes from bringing closure to the victims of these terrorist incidents and transcends the monetary rewards often available in our profession.
We also must not forget that we all have a national responsibility. Democracy is a form of government that thrives only by the interest and the actions of its citizens. Thomas Jefferson said, “There is a debt of service due from every man to his country, proportioned to the bounties which nature and fortune have measured to him.”

Thomas Jefferson said, “There is a debt of service due from every man to his country, proportioned to the bounties which nature and fortune have measured to him.”

Each of you is unique and has his or her own contribution to make. Do not be afraid of turmoil. Or of failing. Make your career your own. To get through law school you had to meet the expectations of your professors. Now, you will create your own expectations for yourself. Let them be guided by your values and your character. Put your fears aside, take your unique abilities and do something special.

What do I mean by “special?” As you may know, all FBI agents are called “Special Agents.” With that in mind, let me tell you a story that was told to me at my confirmation hearing by Senator Jeff Sessions of Alabama. He said that when he was a United States Attorney, he was trying a high-profile corruption case in federal court. One of our FBI Special Agents, who had “worked her heart out” on the investigation, was on the witness stand being grilled by the defense attorney. The attorney said to her, “You call yourself a Special Agent. Who are these agents? Are they all special?” She replied, “Yes, they are.” The lawyer said, “Well, then being an agent is not really so special, is it?” She did not hesitate for a second, but looked the lawyer in the eye and said, “Sir, it’s special to me.”

I hope that each of you will find a career, an avocation that is special, special to you, special to your family, special to the country. Good luck and God bless!

Find a previous interview with FBI Director Robert Mueller under the UVA Lawyer archives at www.law.virginia.edu/alumni.
Upcoming Alumni Events

For the latest details see:
www.law.virginia.edu/alumni

September 11–12, 2003 Business Advisory Council Meeting and Volunteers Weekend
Charlottesville

September 30, 2003 Capitol Hill Young Alumni Reception, Washington, D.C.
sponsored by Senator Evan Bayh III ’81

October 7, 2003 D.C. Golf Tournament and Reception, Army Navy Country Club
Arlington, VA

November 6–7, 2003 Law School Board and Alumni Council Meetings, Charlottesville

April 30–May 2, 2004 Law Alumni Weekend
Charlottesville

Saturday, May 15, 2004 Graduation Reception
Charlottesville

Sunday, May 16, 2004 Graduation
Charlottesville